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PART I



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EXECUTIVE AGENCIES

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PROCLAMATION 4266

National Inventors' Day, 1974

By the President of the United States of America

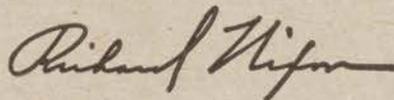
A Proclamation

Curiosity and creativity are hallmarks of the American character and nowhere are those traits more evident than in the American inventor. From the days of Benjamin Franklin to the present, whether they have worked in garages or multi-million dollar laboratories, inventors have given us an increasingly broad array of labor-saving devices as well as new methods of improving our personal comfort, new methods of transportation, and new means of enjoying our culture. Indeed, they have given us the means of converting our Nation's great natural abundance into a better life for all Americans.

Our history is filled with the stories of men who have worked in loneliness—and sometimes in spite of the laughter of men of lesser vision—in order to perfect ideas that have transformed our civilization. At the heart of all our great technological advances, and of all our industrial and commercial enterprises in communications, technology, medicine, and many other fields, lies the dream and the ingenuity of the inventor.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, designate February 11, 1974, as National Inventors' Day. I call upon the people of the United States to join in observing National Inventors' Day with appropriate ceremonies and activities honoring the important role played by inventors in promoting progress in useful arts and in recognition of their invaluable contribution to our welfare.

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



[FR Doc.74-3426 Filed 2-7-74;1: 37 pm]

PROCLAMATION 4267

Save Your Vision Week, 1974

By the President of the United States of America

A Proclamation

Most of us, rarely, pause to think about how or why we see. Many of us give little thought to the care of our eyes. But the importance of good vision cannot be overstated. Even though most people retain effective vision throughout their lives, eyesight can deteriorate at any moment.

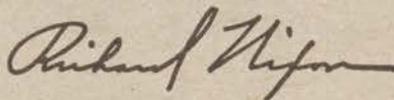
Yet within our grasp is the knowledge and means to help us combat even very serious vision problems. This is possible because of the skills of our Nation's optometrists, ophthalmologists, opticians, and allied health professionals as well as the Nation's scientists who conduct research on vision problems assisted by Federal support from the National Eye Institute and by many private organizations.

To focus the Nation's attention on the importance of good vision and upon ways of preserving and improving it, the Congress by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first full week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 3, 1974, as Save Your Vision Week. I urge optometrists, physicians, and government and private agencies concerned to inform every American of the need to protect the precious gift of vision.

I invite the Governors of the States and appropriate local government officials to support Save Your Vision Week activities and I call upon the Nation's mass communications media to join in encouraging all Americans to heed the message of Save Your Vision Week—to preserve good vision and to enhance the joy of seeing.

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



[FR Doc.74-3429 Filed 2-7-74;2:07 pm]

See Your Vision With 100%

It is a common experience for many of us to have a vision that is not clear. This is often due to a lack of focus or a lack of understanding of what we are seeing. The human eye is designed to see things in a certain way, but it can be fooled by certain conditions. For example, if you are looking at a distant object, your eye will focus on it. But if you are looking at a nearby object, your eye will focus on it. This is why you can see a sign in the distance but not when you are close to it. This is also why you can see a sign in the distance but not when you are close to it.

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[Faint signature or text]

PROCLAMATION 4268

National Poison Prevention Week, 1974

By the President of the United States of America

A Proclamation

While there has been a significant reduction in the number of deaths among young children as a result of poisoning, poisoning still remains one of the most common medical emergencies involving children.

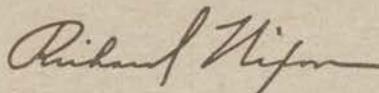
The reductions which have been accomplished over the years have largely been the result of cooperation among the medical, pharmaceutical, dental, nursing, and allied professions; Federal, State, and local government agencies, community organizations; and private industry. New Federal laws, including the Poison Prevention Packaging Act of 1970 have also played an important part in this achievement.

We must continue to use every possible preventive measure to further reduce poisoning as a threat to the health of all Americans. To help call attention to this effort, the Congress, in a joint resolution approved September 26, 1961 (75 Stat. 681), requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 17, 1974, as National Poison Prevention Week.

I direct all appropriate agencies of the Federal Government to participate actively in programs designed to promote maximum protection of our people against accidental poisoning, particularly among children. Further I invite all State and local governments, and private organizations and individuals to share in this national effort.

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



[FR Doc. 74-3430 Filed 2-7-74; 2:08 pm]

MEMORANDUM OF JANUARY 21, 1974

[Presidential Determination No. 74-13]

Sales, Credits or Guaranties to the Government of Ecuador Under the Foreign Military Sales Act

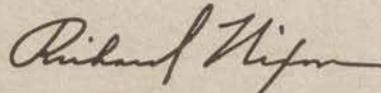
Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 21, 1974.

I hereby determine that the waiver of the provisions of Section 3(b) of the Foreign Military Sales Act, as amended, with respect to the Government of Ecuador is important to the security of the United States and, therefore, the provisions of that Section are hereby waived insofar as they relate to sales, credits or guaranties to the Government of Ecuador.

You are requested on my behalf to report this determination and waiver to the Speaker of the House of Representatives and to the Chairman of the Senate Foreign Relations Committee, as required by law.

This determination shall be published in the FEDERAL REGISTER.



[FR Doc.74-3436 Filed 2-7-74;2:54 pm]

MEMORANDUM FOR THE SECRETARY OF STATE
SUBJECT: [Illegible]

[Illegible text]

[Illegible signature]

[Illegible text]

MEMORANDUM OF JANUARY 28, 1974

[Presidential Determination No. 74-14]

News Media Access to Certain Military Bases Abroad

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 28, 1974.

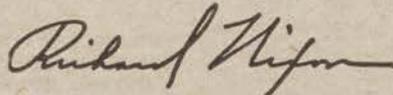
Pursuant to the authority vested in me by Section 29 of the Foreign Assistance Act of 1973, I hereby determine with respect to each foreign country in which there is located a military base,

(1) that was constructed or is being maintained or operated with funds furnished by the United States; and

(2) from which personnel of the United States carry out military operations,

that the government of each such country, consistent with security, has authorized access to such military base on a regular basis to bona fide news media correspondents of the United States. It is anticipated that each such country will continue to authorize such access.

This Determination shall be published in the FEDERAL REGISTER.



cc: Secretary of Defense

[FR Doc.74-3437 Filed 2-7-74;2:55 pm]

MEMORANDUM FOR THE SECRETARY OF DEFENSE
DATE: 12/15/50
SUBJECT: Navy Medical Access to Certain
Military Base Areas

The following information was received from the Department of the Navy on December 15, 1950:

On December 15, 1950, the Department of the Navy advised that it had received a request from the Department of Defense for information regarding the availability of certain military base areas for use by the Navy Medical Service. The request was received from the Department of Defense on December 14, 1950.

The Department of the Navy has advised that it has no objection to the use of certain military base areas for the purpose of providing medical services to the military forces. The areas in question are located at various military installations and are currently used for a variety of purposes, including housing, recreation, and medical services.

The Department of the Navy has advised that it will continue to monitor the use of these areas and will report to the Department of Defense as to any changes in the availability of these areas.

[Handwritten Signature]

Secretary of Defense
The Department of Defense, Washington, D.C.

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 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 752—ADVERSE ACTIONS BY AGENCIES

Clarification of Meaning of the Term Political Reasons

Correction

In FR Doc. 74-2723, appearing in the issue of February 1, 1974 on page 4063, the line "terminates the validity of the allegation", should be inserted after the seventh line of § 752.304(b) (3).

Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 150—PHASE IV PRICE REGULATIONS

Current Cost Period

Section 150.133 is amended by adding a provision giving price category I firms greater flexibility in determining costs during the current cost period for purposes of prenotification.

Prior to this amendment, § 150.133(d) provided that the current cost period for prenotification purposes is the last accounting month preceding the date of signature of the prenotification document. However, a firm may not have developed sufficient cost data for that preceding accounting month at the time it wishes to submit a prenotification document. In these circumstances, it must wait until all cost information is available from the accounting month preceding the date of signature. In order to relieve this problem, this amendment provides that for prenotification purposes the current cost period is the last accounting month preceding the date of signature for which accurate cost information is available in accordance with the firm's customary cost accounting practices.

A firm which reports costs using as a current cost period a month other than the last month preceding signature must certify that the level of costs for the last month is not or will not be determined to be lower than the level of costs used to justify the proposed price increase. This amendment is therefore also intended to preclude prenotification on the basis of a current cost period followed by an accounting month preceding the date of signature in which net allowable cost increases are known to have declined.

Because the purpose of this amendment 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 imprac-

ticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; 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 set forth herein, effective February 7, 1974.

Issued in Washington, D.C., on February 7, 1974.

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

In 6 CFR Part 150, § 150.133(d) is amended to read as follows:

§ 150.133 Current cost.

(d) *Current cost period.* (1) For prenotification purposes, the current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part for which accurate cost information is available in accordance with the firm's customary cost accounting practices, except that with respect to labor and other costs which may be calculated as of a date certain the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate of the last full day of the current cost period. A firm which selects as a current cost period for prenotification purposes a month prior to the last month preceding the date of signature of the prenotification document shall submit with that document a statement in which the officer authorized to sign certifies that, to the best of his or her knowledge and belief, the level of costs for the last accounting month preceding the date of signature is not or will not be determined to be lower than the level of costs used to justify the percentage price increase proposed in that prenotification document.

(2) For quarterly reporting purposes, the current cost period is the last accounting month in the current fiscal quarter for which a quarterly report is required to be filed pursuant to Subpart H of this part.

(3) The current cost period for price category III firms is the last accounting month in the current fiscal quarter for which compliance is being measured.

[FR Doc. 74-3493 Filed 2-7-74; 4:45 pm]

Title 7—Agriculture CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amtdt. 20]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Eligibility of Household Members Who Receive Supplemental Security Income Payments or Other Income Supplementations

The regulations for the operation of the Food Distribution Program (31 FR 14297), as amended, are further amended to clarify the eligibility of households and to exclude from households, during the six-month period beginning January 1, 1974, persons who reside in a State which provides State supplementary payments of the type described in section 1616 of the Social Security Act at a level which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased to include the bonus value of food stamps.

Effective January 1, 1974, Pub. L. 92-603 (86 Stat. 1329) replaced the Federal-State public assistance programs formerly authorized under titles I, X, XIV, and XVI of the Social Security Act with an entirely federally-funded program under a new title XVI of the Act. Under section 8(b) (3) of Pub. L. 93-233, for the six-month period beginning January 1, 1974, recipients of payments under title XVI of the Social Security Act, or of State supplementary payments described in section 1616 of the Act, or of payments of the type referred to in section 212(a) of Pub. L. 93-66 who reside in States which supplement such payments at a level specifically increased to include the bonus value of food stamps become ineligible for USDA-donated foods.

Since the statutory provisions upon which this amendment is based are mandatory for the six-month period beginning January 1, 1974, compliance with proposed rulemaking and public participation procedures is impracticable and unnecessary.

1. In § 250.3, a new paragraph (u) is added.

§ 250.3 Definitions.

(u) "Supplemental security income" means supplemental security income payments made under title XVI of the Social Security Act, State supplemental payments made under section 1616 of that Act or payments made under section 212(a) of the Act of July 9, 1973 (87 Stat. 155).

2. In § 250.6, paragraphs (e)(1) and (e)(5) are revised to read as follows:

§ 250.6 Obligations of distributing agencies.

(e) * * *

(1) Provision for distribution to the following categories of households:

(i) *Public assistance households.* Those households in which (a) all members are receiving supplemental security income or benefits under the federally-aided public assistance programs for the needy authorized in the Social Security Act or under State or local welfare programs; or (b) those households in which some of the members receive such benefits, but all members thereof are included in the determination to grant such benefits; or (c) those households in which all members are recipients of assistance from grants under a Work Experience and Training Program (Title V, Economic Opportunity Act of 1964). Public assistance households are eligible to receive commodities, without regard to the income and resources of such households, for all members except individuals referred to in the proviso of paragraph (5) of this section and essential persons, as defined in the Act of July 9, 1973 (87 Stat. 155), who are connected with such individuals. Such essential persons shall be subject to the income and resource criteria referred to in paragraph (5) of this section.

(ii) *Non-public assistance households.* Those households in which none of the members receive benefits as described in subdivision (i) of this subparagraph, or in which some of the members receive such benefits but all of the members are not included in the determination to grant such benefits. The criteria specified in paragraph (5) of this section shall be used in determining the eligibility of non-public assistance households.

(5) *The specific criteria to be used in certifying households as in need of food assistance.* The income and resource standards established by each distributing agency for use by welfare agencies in determining the eligibility of applicant households, after December 31, 1973, shall continue to be those standards used as of that date which were incorporated in a plan of operation approved by FNS, unless an amendment to such standard is required or approved by FNS: *Provided, however,* That, in applying such standards and in allocating food, no in-

dividual who receives supplemental security income shall be considered to be a member of a household for any month during the six-month period beginning January 1, 1974, if, for such month, such individual resides in one of the following States; viz., California, Massachusetts, Nevada, New York, and Wisconsin, which provides State supplementary payments (a) of the type described in section 1616 (a) of the Social Security Act, as amended, and (b) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of coupons issued pursuant to the Food Stamp Act of 1964, as amended (7 CFR Parts 270-274).

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services).

This amendment shall become effective on February 11, 1974.

Dated: February 6, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-3328 Filed 2-8-74;8:45 am]

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

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of \$363,288, that may be incurred by the Papaya Administrative Committee, under Marketing Order No. 928, for the fiscal year 1974, establishes an assessment rate of six and one-half mills (\$0.0065) per pound of papayas handled during such year by each first handler and provides for the transfer of unexpended assessment funds from the previous fiscal year to the program's reserve.

On January 3, 1974, notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 810) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1974, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (7 CFR Part 938), 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). This notice afforded interested persons an opportunity to submit written data, views or arguments with respect to the proposal until January 20, 1974. None were submitted. However the budget expenses proposed in the notice did not take into consideration \$55,000 which is being provided by the State of Hawaii for co-sponsorship of the program's advertising and promotion activities for fiscal 1974. The total expenses herein-after provided reflect this amount. After

consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 928.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that 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 \$363,288.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at \$0.0065 per pound of papayas.

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

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

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1974, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

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

Dated: February 5, 1974.

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

[FR Doc.74-3284 Filed 2-8-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amtdt. 1]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

KANSAS CITY OFFICE NAME AND ADDRESS
CHANGED

The regulations appearing in this subpart which were published on February 15, 1969 (34 FR 2243) are hereby

amended to reflect a change in the name and address of the Kansas City Agricultural Stabilization and Conservation Service Commodity Office and to update the delivery requirement under the regulations to correspond with the present methods of handling grain. Since the amendment does not change the substantive terms and conditions of the regulations, it is determined that compliance with the proposed rule making procedures is not necessary.

1. Paragraphs (b), (c), and (d) of § 1421.5551 are amended by deleting references to the name and address of the Kansas City Agricultural Stabilization and Conservation Service Commodity Office and substituting the name and address of the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office. As amended, § 1421.5551 reads as follows:

§ 1421.5551 General statement and administration.

(b) Copies of the CCC storage agreement and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as the "Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Prairie Village Office:

2. Paragraph (c) (5) of § 1421.5552 is amended by deleting the phrase " * * * into railroad cars at a rail delivery point * * *". The amended paragraph (c) (5) reads as follows:

§ 1421.5552 Basic standards.

(c) * * *
(5) Be located on a railroad or waterway or have a suitable method of delivering the commodity involved.

3. Paragraph (c) (1) of § 1421.5556 is amended by deleting references to the name of the Kansas City Office and substituting the name of the Prairie Village Office. The amended Paragraph (c) (1) reads as follows:

§ 1421.5556 Approval of warehouses; requests for reconsideration.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet

the standards set forth in § 1421.5552, other than the standard in paragraph (a) thereof, the warehouseman may at any time after receiving notice of such action request reconsideration of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, 7 CFR Part 780. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b))

Effective date. These amendments become effective on February 4, 1974.

Signed at Washington, D.C. on February 4, 1974.

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

[FR Doc. 74-3285 Filed 2-8-74; 8:45 am]

[Amtd. 2]

PART 1427—COTTON

Subpart—Standards for Approval of Warehouses for Cotton or Cotton Linters

NEW ORLEANS OFFICE CLOSED

The regulations appearing in this subpart, as issued and amended (34 FR 4882 and 37 FR 11967) are hereby further amended to reflect the closing of the New Orleans Agricultural Stabilization and Conservation Service Commodity Office and the transfer of the functions of that Office to the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas, 66208, effective October 1, 1973. Since the amendment does not change the substantive terms and conditions of the regulations, it is determined that compliance with the proposed rulemaking procedures is not necessary.

1. Paragraphs (b), (c), and (d), of § 1427.1081 are amended to read as follows:

§ 1427.1081 General statement and administration.

(b) Copies of the applicable storage agreement and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas, 66208 (hereinafter referred to as the "Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage agreement must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Prairie Village Office:

2. Paragraph (f) of § 1427.1083 is amended to read as follows:

§ 1427.1083 Bonding requirements.

(f) If the Prairie Village Office determines it to be necessary, limited availability of space may be agreed upon by CCC and the warehouseman. In such case, the amount of the bond shall be calculated upon the basis of the capacity agreed upon rather than the total capacity of the warehouse. If additional capacity is later agreed to, the amount of the bond shall be adjusted promptly to cover such additional capacity.

3. Paragraph (b) of § 1427.1085 is amended to read as follows:

§ 1427.1085 Exceptions.

(b) The bond requirements, and, at the discretion of the Prairie Village Office, the financial, warehouse receipt, and bale tag requirements, of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if his warehouse is operated by the State of South Carolina Department of Agriculture.

4. Paragraph (c) (1) of § 1427.1086 is amended to read as follows:

§ 1427.1086 Approval of warehouses; requests for reconsideration.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1427.1082, other than the standard in paragraph (a) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration.

tion of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of Chapter VII of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(Sec. 4, 62 Stat. 1070, as amended; (15 U.S.C. 714b))

Effective date: October 1, 1973.

Signed at Washington, D.C., on February 4, 1974.

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

[FR Doc.74-3370 Filed 2-8-74;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

Release of Areas Quarantined

This amendment releases a portion of Hansford County in Texas, a portion of Lea County in New Mexico, and a portion of Haskell 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 areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. 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:

1. In § 73.1a, in paragraph (a) relating to the State of Texas, paragraph (2) relating to Hansford County is amended to read:

§ 73.1a Notice of quarantine.

(a) * * *

(2) That portion of *Hansford County* comprised of sec. 95, block 45 (Houston and Texas Central Railway Company Survey).

2. In § 73.1a, in paragraph (c) relating to the State of New Mexico, paragraph (1) relating to Lea County is deleted.

3. In § 73.1a, paragraph (d) relating to the State of Kansas is deleted.

(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 amendment shall become effective February 6, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and 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 amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, OFFICE OF THE ADMINISTRATOR. Notice is hereby given that a portion of Hansford County in Texas, a portion of Lea County in New Mexico, and a portion of Haskell County in Kansas are excluded from the areas quarantined because of cattle scabies under an amendment of the regulations in 9 CFR Part 73, as amended, effective February 6, 1974. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas. However, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the areas excluded from quarantine. No area in Kansas remains under quarantine.

The amendment is published in the Federal Register. Detailed information concerning this amendment may also be obtained from Dr. E. S. Cox, Area Veterinarian in Charge, Room 301, 702 Colorado Street, Austin, Texas 78701 and Dr. R. W. Gerding, Area Veterinarian in Charge, 300 South 17th Street, P.O. Box 81866, Lincoln, Nebraska 68501.

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

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

[FR Doc.74-3369 Filed 2-8-74;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Hog Cholera Eradication and Free States

These amendments add Texas to the list of Hog Cholera Eradication States in 9 CFR 76.2(f) upon the basis of a determination that it is eligible for such listing under the criteria in § 76.2(f). The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Eradication or Free States are thereby made applicable to Texas. The special provisions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Hog Cholera Eradication or Free States apply to the State of Texas. This addition of the State of Texas to the list of those with hog cholera eradication status also affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in Texas.

The amendments delete the States of Indiana, North Carolina, Virginia, and New Jersey from the list of Hog Cholera Eradication States in 9 CFR 76.2(f), as amended, and add said States to the list of Hog Cholera Free States in § 76.2(g) upon the basis of a determination that such States qualify for hog cholera free status under § 76.2(g). The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement, of swine and swine products from such Eradication or Free States remain applicable to Indiana, North Carolina, Virginia, and New Jersey.

The removal of the States of Indiana, North Carolina, Virginia, and New Jersey from the list of Hog Cholera Eradication States and the addition of these States to the list of Hog Cholera Free States affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in the States of Indiana, North Carolina, Virginia and New Jersey.

Accordingly, Part 76, Title 9, Code of Federal Regulations as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

(f) Notice is hereby given that systematic procedures have been in effect

(2) That portion of Hansford County for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Eradication States. Once designated as a hog cholera Eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as Eradication States:

- Texas
- Commonwealth of Puerto Rico

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing of this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

- | | |
|-------------|----------------|
| Alabama | Massachusetts |
| Alaska | Michigan |
| Arizona | Minnesota |
| Arkansas | Mississippi |
| California | Missouri |
| Colorado | Montana |
| Connecticut | Nebraska |
| Delaware | Nevada |
| Florida | New Hampshire |
| Georgia | New Jersey |
| Hawaii | New Mexico |
| Idaho | New York |
| Illinois | North Carolina |
| Indiana | North Dakota |
| Iowa | Ohio |
| Kansas | Oklahoma |
| Kentucky | Oregon |
| Louisiana | Pennsylvania |
| Maine | Rhode Island |
| Maryland | South Carolina |

- | | |
|--------------|----------------------|
| South Dakota | Washington |
| Tennessee | West Virginia |
| Utah | Wisconsin |
| Vermont | Wyoming |
| Virginia | District of Columbia |

(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; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120; 121, 123-126, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141)

Effective date. The foregoing amendments shall become effective on February 5, 1974.

The amendments do not change the requirements under the regulations in 9 CFR Part 76 with respect to the interstate movement of swine or swine products. They have the effect of relieving restrictions on indemnity payments under the regulations in 9 CFR Part 56 and 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, unnecessary, 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 5th day of February 1974.

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

[FR Doc.74-3286 Filed 2-8-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Miscellaneous Amendments

This amendment, issued under authority of the national banking law (12 U.S.C. 1 et seq.) and (5 U.S.C. 552), adds information to and corrects the regulation describing office organization, procedures and the availability of public information. Notice and public procedure are unnecessary and not in the public interest.

Part 4, Chapter I, Title 12 of the Code of Federal Regulations is amended by revising subparagraph (1) of paragraph (b) of § 4.1a to show the new office address for Region No. 1. Changes in the text are as follows:

§ 4.1a Central and field organization; delegation.

(b) *Field offices.* (1) Fourteen national bank regions cover the United States, Guam, Puerto Rico, and the Vir-

gin Islands. The office address of and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	3 Center Plaza, Suite P-400, Boston, Mass. 02108.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	33 Liberty St., room 520, New York, N.Y. 10005.
3	Pennsylvania, Delaware.	3 Parkway, Suite 1316, Philadelphia, Pa. 19102.
4	Indiana, Ohio, Kentucky.	1 Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	Federal Office Bldg., 400 North 8th St., room 5215, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1510 First National Bank Bldg., 2 Peachtree St. N.W., Atlanta, Ga. 30303.
7	Illinois, Michigan.	104 West Jackson Blvd., room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Ave., room 1900, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	822 Marquette Ave., room 300, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2616, Kansas City, Mo. 64105.
11	Oklahoma, Texas.	1401 Elm St., Suite 4500, Dallas, Tex. 75202.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1600 Broadway, Suite 1800, Denver, Colo.
13	Washington, Oregon, Idaho, Montana, Alaska.	707 Southwest Washington St., room 900, Portland, Ore. 97205.
14	California, Nevada, Hawaii, Guam.	555 California St., Suite 3939, San Francisco, Calif. 94104.

Dated: February 4, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-3333 Filed 2-8-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-13]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Aguadilla, P.R. and San Juan, P.R., transition areas.

The Aguadilla and San Juan transition areas are described in § 71.181 (39 FR 440). In the descriptions, reference is made to "Ramey AFB." This base was transferred to the Puerto Rico Ports Authority on January 9, 1974, and the name has been changed to "Borinquen Airport." It is necessary to amend the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is

amended, effective immediately, as hereinafter set forth.

In § 71.181 (39 FR 440), the Aguadilla, P.R. and San Juan, P.R., transition areas are amended as follows:

" * * * Ramey AFB * * * " is deleted and " * * * Borinquen Airport * * * " is substituted therefor.

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

Issued in East Point, Ga., on January 30, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 74-3316 Filed 2-8-74; 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 15—CEREAL FLOURS AND RELATED PRODUCTS

PART 17—BAKERY PRODUCTS

Order on Objections and Notice of Hearing Regarding Nutrient Levels of Enriched Flour, Enriched Self-rising Flour, and Enriched Bread, Rolls or Buns

In the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), the Commissioner of Food and Drugs issued an order revising the standards of identity for enriched flour, § 15.10 (21 CFR 15.10), CFR 15.60, and enriched bread, rolls or enriched self-rising flour, § 15.60 (21 CFR 15.60), § 17.2 (21 CFR 17.2).

The order provided that any person who would be adversely affected could at any time on or before November 14, 1973 file written objections to and also request a hearing on the revised regulations.

Thirty responses to the order were filed, several of which included objections to certain of its provisions and some of which requested a hearing. The filing of these objections stayed the effectiveness of the provisions of the order objected to under section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), which provides that a regulation issued pursuant to section 401 of the act promulgating definitions and standards of identity for foods be stayed if timely objections to it are filed. The Commissioner has since carefully evaluated the objections and requests for hearing filed, and his conclusions follow.

B Vitamins. No objections were filed to the provisions of the order requiring changes in the content of thiamine, riboflavin and niacin in enriched flour, enriched self-rising flour, and enriched bread, rolls or buns.

Accordingly, the levels of these B vitamins prescribed by these provisions, amending §§ 15.10, 15.60 and 17.2 respectively, must be complied with as of the effective date of this order.

Calcium. One respondent objected to the revision of § 15.60(b) making calcium an optional rather than a manda-

tory ingredient in enriched self-rising flour, principally on the ground that consumers will be misled if, as anticipated under an optional standard of identity, this nutrient is added to some brands of such flour but not to others. Since calcium is a valuable nutrient in the diet, particularly for certain populations in the Southeast where self-rising flour is extensively used, and since nutritional claims for calcium in wheat flours have been continuously made almost exclusively for this flour, the Commissioner agrees with this objection and concludes that calcium should remain a mandatory ingredient in enriched self-rising flour.

Accordingly, § 15.60(b) is revised to read:

§ 15.60 Enriched self-rising flour; identity; label statement of optional ingredients.

(b) It contains added calcium in such quantity that the total calcium content is 960 milligrams per pound. If a calcium compound is added for technical purposes to give self-rising characteristics to the flour, the amount of calcium per pound of flour may exceed 960 milligrams provided that the excess is no greater than necessary to accomplish the intended effect. However, if such calcium is insufficient to meet the 960-milligram level, no claim may be made on the label for calcium as a nutrient.

Four objections requested clarification of a potential conflict between the provision in revised § 17.2(a)(2) prohibiting a claim for calcium as a nutrient in the labeling of enriched bread, rolls or buns if the amount of added calcium is less than 600 milligrams per pound, and the provision in the nutrition labeling regulations, § 1.17(c)(7)(iii) (21 CFR 1.17(c)(7)(iii)), requiring the label declaration of added calcium as a percent of the U.S. Recommended Daily Allowance (U.S. RDA). One of these objections requested a similar clarification regarding the calcium label claim prohibitions in the order for enriched flour in § 15.10(b) and enriched self-rising flour in § 15.60(b).

The revised standards of identity in the order bar a nutritional claim on the label for calcium below the prescribed levels, but they do not forbid the label declaration of calcium required by § 1.17 when calcium is added for technical purposes below these levels in such articles as dough conditioners, milk supplements, mold inhibitors and brew buffers.

The Commissioner therefore concludes that there is no conflict between these provisions in the order and the nutrition labeling regulations, and that the prohibition of label claims for calcium content which falls below the levels prescribed by the standards of identity should remain unqualified in the revised regulations.

Availability of unenriched bread. Several responses expressed concern that the order precludes the consumer from a choice between enriched and unenriched flour and bread. Such is not the case. The

order changes the enrichment level of what must be labeled as enriched flour or enriched bread; it does not make enriched flour or bread mandatory. Whole wheat bread and many specialty breads are available to the consumer as unenriched bread, as are plain flour with no added nutrients under § 15.1 (21 CFR 15.1) and white bread with no added nutrients under § 17.1 (21 CFR 17.1). Except in states which have mandatory enrichment laws, production of these foods is permitted.

Ash content of enriched flour. One respondent requested that the requirement for calculating the ash content of enriched flour in § 15.10(e) be changed to exclude from the calculation ash resulting from iron or salts of iron or calcium.

The Commissioner concurs with this proposal and has further determined that ash resulting from any added wheat germ be excluded from the calculation of ash content. Accordingly, § 15.10(e) is amended to read:

§ 15.10 Enriched flour, identity, label statement of optional ingredients.

(e) In determining whether the ash content complies with the requirements of this section, ash resulting from any added iron or salts of iron or calcium or wheat germ is excluded in calculating ash content.

Harmless carriers as safe and suitable substances. One respondent inquired whether the provisions in §§ 15.10(f) and 15.60(g) of the order that the required nutrients added to enriched flour and enriched self-rising flour be supplied by any safe and suitable substances is to be interpreted to include harmless carriers as such substances, as provided by the previous standards of identity.

The Commissioner has determined that harmless carriers are included within the class of safe and suitable substances provided by these sections of the order and also by § 17.2(a)(7) regarding enriched bread, rolls, or buns. This interpretation reflects the Commissioner's intent that the change in language in these sections with respect to harmless carriers is a change in form rather than substance, in accordance with the proposed regulation, § 10.1(d) (21 CFR 10.1(d)), defining a "safe and suitable" food ingredient uniformly for all standards of identity, published in the FEDERAL REGISTER of April 26, 1973 (38 FR 10274).

Iron. Seven objections and requests for hearing, five of which were submitted by physicians, were filed with respect to the provisions of the order increasing the added iron content of enriched flour and enriched self-rising flour to 40 milligrams per pound, §§ 15.10(a), 15.60(a), and of enriched bread, rolls, or buns to 25 milligrams per pound, § 17.2(a)(1). Several consumers also filed responses to the order expressing opposition to this increased iron addition.

The objections and requests for hearing filed by the physicians oppose the iron increases for the following principal reasons:

(1) Added dietary iron in enriched flour and bread could create a health hazard for persons suffering from diagnosed or undiagnosed iron storage disorders such as hemochromatosis, sideroblastic anemia, thalassemia, Cooley's anemia and chronic liver disease associated with excessive alcoholic intake.

(2) Such added dietary iron may mask diagnosis of other disorders signaled by anemia, such as intestinal cancer.

(3) Such added dietary iron may contribute to the development of Parkinson's disease, which has occurred in persons having high iron stores in the brain.

(4) Such added dietary iron may cause elevated hematocrit and elevated hemoglobin, with which one study has correlated mortality.

Three of the objecting physicians cited published scientific literature in support of their contentions.

Additional grounds for objection to the iron increase made by two of the physicians are that the anemia described in the preamble to the order has not been established as caused by diet-related iron deficiency, and that there is no evidence that additional iron added to enriched flour and bread is in a form utilizable by the body to prevent the anemia documented, even if it were caused by inadequate dietary iron intake. The Commissioner concludes that these two grounds are insubstantial. Several tests, including measurements of iron serum, iron absorption and iron-binding capacity, have been utilized to verify that low hematocrit and hemoglobin values observed in nutritional studies establishing the prevalence of anemia such as those discussed in the preamble are due to iron deficiency (*Journal of the American Medical Association* 203:407-412, 1968), and additional data exists showing that there is inadequate iron intake from the diets of some segments of the U.S. population (*U.S. Department of Agriculture Publication* 62-18, 1969). Furthermore, reports in the scientific literature establish that increased iron fortification of flour and bread with sufficient iron and in a form which is bioavailable will prevent anemia caused by inadequate iron dietary intake. The ability of iron-enriched cereals to meet the iron requirements of infants was demonstrated by the experiments of P. J. Moe (*Acta Paediatrica* [Suppl. 150] pp. 9-67, 1963), who concluded in part: " * * * an iron content of 12.5 milligrams per 100 grams of iron-fortified cereal, when cereals are fed regularly twice a day from the age of 3½ months, will assure adequate iron supply for the normal infant." The data of Cook et al. (*American Journal of Clinical Nutrition* 26:861-872, 1973) clearly demonstrated that adults did utilize the iron furnished by enriched rolls.

The material referenced in support of these comments is on display in the

office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner concludes that, although the factual information and literature citations submitted by the objecting physicians were not generally in conformity with the requirement in the order for "a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held," on the basis of the questions regarding the public health raised by qualified members of the medical profession on increasing the added iron content of enriched flour and bread, a hearing is warranted on the provisions of the order providing for such increases.

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 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,*

1. That a public hearing be held to receive evidence on the issue raised by the objections to the order of October 15, 1973 with respect to provisions amending §§ 15.10(a), 15.60(a), and 17.2(a) (1) (21 CFR 15.10(a), 15.60(a) and 17.2(a) (1)) to increase the required added iron content of enriched flour, enriched self-rising flour and enriched bread, rolls or buns to 40 mg/lb, 40 mg/lb and 25 mg/lb, respectively;

2. That the provisions increasing added iron content in §§ 15.10(a), 15.60(a) and 17.2(a) (1) be stayed pending the outcome of the hearing;

3. That the issue raised by the objections to the order for determination at the hearing shall be whether or not, based on available medical and scientific data and on the general recognition of experts qualified by scientific training and experience to evaluate potential toxic effects of dietary intake of iron, it is safe to increase the levels of iron in enriched flour, enriched self-rising flour, and enriched bread, rolls or buns from the levels in the existing standards of identity for these foods, 13.0-16.5 mg/lb, 13.0-16.5 mg/lb and 8.0-12.5 mg/lb, respectively, to the levels prescribed by the order of October 15, 1973, 40 mg/lb, 40 mg/lb and 25 mg/lb, respectively.

The hearing shall take place in the Hearing Room, Food and Drug Administration, Room 4A-35, 5600 Fishers Lane, Rockville, MD 20852. The presiding administrative law judge shall be Irving Sommers. The hearing shall commence on April 1, 1974 at 9:00 a.m. Written appearances must be filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, not later than March 13, 1974.

Effective date. Six objections recommended that the effective date of the order be extended beyond April 15, 1974 on the grounds that compliance with the order in the face of a possible stay of certain provisions would create extensive production difficulties with respect to labeling and formulation, and that such

a compliance date would in effect accelerate for the milling and baking industries the compliance dates for nutrition labeling (January 1, 1975) and for the anticipated regulation requiring label declaration of common names of all optional ingredients in flour.

Since the objections and requests for hearing were filed staying the order of October 15, 1973, the Commissioner has received information that labeling and formulation difficulties have already arisen in view of the provision in the preamble to the order that voluntary compliance could begin from the date the order was published.

The Commissioner recognizes the compliance problems posed by the stay of the iron provisions of the order pending the outcome of the ordered public hearing, the production difficulties encountered by those firms relying on the voluntary compliance statement, and the later compliance dates for the nutrition labeling and optional ingredient labeling regulations. In view of these problems, the Commissioner concludes that the effective date for the October 15, 1973, order as amended by this order shall be January 1, 1975. The levels of added thiamine, riboflavin, niacin and calcium in enriched flour, enriched self-rising flour, and enriched bread, rolls or buns shall comply with the order as amended as of that date. The levels of these nutrients in these foods may comply with the order as amended prior to January 1, 1975, but any labeling for products containing such levels must comply with the nutrition labeling regulations (21 CFR 1.17) as of the time such levels are used.

The levels of added iron in these foods shall remain at the levels prescribed by existing §§ 15.10(a), 15.60(a), and 17.2(a) (1) pending the outcome of the hearing. Any firm which until the date of this order has ordered labeling declaring the iron content prescribed by the order of October 15, 1973, in reliance on the voluntary compliance statement may use such labeling, but no such labeling shall hereafter be ordered and used pending the outcome of the hearing.

While the Commissioner has been informed that some firms have proceeded to change their formulations to comply with the new enrichment levels in reliance on the voluntary compliance statement, firms which have done so must comply as soon as possible with the requirement of this order that enriched flour, enriched self-rising flour, and enriched bread, rolls or buns not be formulated with added iron content in excess of that prescribed by the existing standards of identity for these foods pending the outcome of the hearing.

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

Dated: February 5, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 74-3422 Filed 2-8-74; 8:45 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorophene and Toluene Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (94-777V) filed by Thuron Industries, Inc., 12200 Denton Drive, Dallas, TX 75234, proposing the safe and effective use of dichlorophene and toluene capsules for the treatment of dogs and cats. 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), § 135c.56 is amended by revising paragraph (c) to include Thuron Industries as an additional sponsor of dichlorophene and toluene capsules, as follows:

§ 135c.56 Dichlorophene and toluene capsules.

(c) *Sponsor.* See code Nos. 026, 059, and 085 in § 135c.501(c) of this chapter.

Effective date. This order shall be effective February 11, 1974.

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

Dated: January 31, 1974.

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

[FR Doc. 74-3308 Filed 2-8-74; 8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

Appendix—Internal Accountability Procedures

Correction

In FR Doc. 74-2721, appearing at page 4083 in the issue of Friday, February 1, 1974, the sixth and seventh lines from the bottom of Sec. 85-3.57 in column 1 on page 4087 should be transposed to read:

rail carrier checks the seal and as long as the seal remains intact assumes no liability

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

[Docket No. 71-18; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 574—TIRE IDENTIFICATION

Non-Passenger Car Tires

This notice responds to petitions for reconsideration on Standard 119, New pneumatic tires for vehicles other than passenger cars, 49 CFR 571.119, published November 13, 1973 (38 FR 31299). In response to comments by twelve tire

manufacturers and trade associations, the definitions, labeling, and performance provisions of the standard are amended in several respects.

JUSTIFICATION FOR ISSUANCE OF STANDARD 119

The Rubber Manufacturers Association (RMA), supported by most domestic tire manufacturers, petitioned for withdrawal of Standard 119 on the grounds that promulgation of the standard did not satisfy the criteria for the establishment of Motor Vehicle Safety Standards set out in section 103 of the National Traffic and Motor Vehicle Safety Act of 1966. Section 103(f) of the Act requires that the formulation of a standard include consideration of its appropriateness for particular items of motor vehicle equipment, relevant safety data, and the extent to which it will contribute to carrying out the purposes of the Act. As formulated a standard must be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

In petitioning for withdrawal of standard 119 for failure to "meet the need for motor vehicle safety," the RMA and those tire manufacturers who support its position effectively assert that no tire safety hazards exist which can be met by Standard 119. The National Highway Traffic Safety Administration (NHTSA) does not agree.

Congress recognized a tire safety problem. The Senate held hearings on and considered a bill devoted totally to tire safety (S. 1643). The House included a separate title in H.R. 13228 to emphasize tire safety as a particularly important area for the issuance of safety standards.

In a number of bills which have been introduced in both Houses as well as in a bill which has passed the Senate (S. 2669) the necessity for standards for tires was considered as an independent problem and without reference to its relationship to the total traffic safety problem. S. 2669 is confined only to the improvement of tires for passenger cars and station wagons. The committee decided that although tires are a highly important part of the total traffic safety problem they are, nevertheless, an integral part of it and should be dealt with in the context of the problem and not in a piecemeal fashion.

However the committee did feel that it was necessary to emphasize this aspect of the safety problem and to establish certain specific requirements which should be contained in the Secretary's standards on tires. (emphasis supplied) H.R. Rep. No. 1776, 89th Con., 2d Sess. 32 (1966).

On the House floor, Representative Springer detailed the effect of the legislation on motor vehicle equipment.

Obviously, the most important piece of equipment which comes to mind is the tire. The other body treated this subject in separate legislation, but it seems to me, and it did to our committee, that tire standards must be part and parcel of any legislation which seeks to impose standards of safety for the cars on the highway. Consequently, a portion of the bill was devoted specifically to this subject. It requires minimum standards for all tires, and then sees to it that the buyer will have all the information he needs to make a decision as to the tire he needs.

112 Cong. Rec. 18,780 (daily ed. Aug. 17, 1966)

Congress showed particular interest in passenger car tires, but did not limit the legislation to them, as suggested by Firestone in its petition for reconsideration. As the House report notes, Title II represents a broadening of the tire safety issue from passenger cars and station wagons. The language of Title II refers to tires of "each motor vehicle" and to a uniform tire quality grading system "for motor vehicles." Section 204 is devoted to regrooved tires which are commonly utilized on non-passenger cars.

The NHTSA has concluded that the tire safety problems recognized by Congress can best be met by Standard 119. The standard requires labeling and tire-rim matching information to aid proper application of the tire, and minimum performance levels to ensure adequate designed-in safety for normal use and predictable abuse on the road. The standard is directed at misuse of tires as well as their correct use.

It is true that Bureau of Motor Carrier statistics indicate that professional maintenance, cost consciousness, and frequent state inspections result in a lower than normal number of tire failures on interstate haulers. These figures, however, are not representative of tire conditions throughout the multipurpose passenger vehicle (MPV), truck, bus, motorcycle, and trailer categories. Congress mandated minimum tire safety standards although it was aware that tire failure statistics were difficult to isolate, realizing that tire design, while not a major cause of failures in well-maintained tires, could offer a margin of safety where tires are misused. Hearings on S. 1634 Before the Senate Commerce Committee on Tire Safety, 89th Cong., 1st Sess., ser. 89-37 at 41 (1965); Hearings on S. 3005 Before Senate Commerce Committee on Traffic Safety, 89th Cong., 2nd Sess., ser. 89-49 at 158, 159 (1966). In its formulation of the standard, the NHTSA considered data which showed that worn and misapplied tires create a significant safety hazard. Standard 119 ensures that the information required by Congress to be on tires, along with additional tire-rim matching information and treadwear indicators, are available to the unknowledgeable individual who must select, maintain, and replace non-passenger tires periodically. The RMA itself argued for the inclusion of load-rating information in this standard as an effective means to eliminate the dangers of proliferation and misapplication of tire sizes. In the area of tire design, the minimum performance levels in Standard 119 ensure a margin of safety for persons who may misapply or abuse tires despite the label information and treadwear warnings.

The NHTSA experience with performance standards for passenger car tires also supports Standard 119 rulemaking. Since the beginning of certification testing by the manufacturers and compliance testing by the manufacturers and compliance testing by the NHTSA, the percentage of test failures has dropped from

approximately 5.6 percent to less than 1 percent. At the same time 88 recalls of 1,436,118 tires have removed from the road substantial numbers of tires which could not be shown in the exercise of due care to be able to meet the minimum requirements. Standard 119 has similar performance tests, calculated to produced close surveillance of test failure percentages and recalls when a faulty tire design is identified. The performance test levels vary according to tire type to ensure that the standard is reasonable, practicable, and appropriate for the particular tire design in its intended service application.

The NHTSA has found that Standard 119 will weed out faulty tire design and promote safety. The test values of Standard 119 were originally proposed by industry and checked by the NHTSA at its Safety Systems Laboratory. The RMA conducted a similar series of tests at that time and later endorsed the requirements as modified in minor respects:

The laboratory tests and values in the proposed FMVSS 119 as amended by our comments would set standards of performance that would enable the industry to design tires that would ensure safe operation on the highways. Comment #4 to Docket 1-5, Notice 7 (p 6).

By reference to H&H Tire Company v. United States Department of Transportation, 471 F.2d 350 (7th Cir 1972), the RMA and Firestone raised the issue of Standard 119's practicability. This requirement, at Section 103(a) of the Act, was interpreted in H&H to mean that the NHTSA must determine the technological and economic consequences of the standard on the regulated industry. In that case the Court determined that the retread tire industry could be destroyed by the expense of major product redesign or the loss of business which could result from passing on these costs in higher prices to the typical retread consumer. The Court also pointed out that the retread consumer might use older worn tires longer than previously and thereby in effect increase the tire hazard problem in response to Standard 117.

In contrast, the NHTSA has determined that compliance with Standard 119 does not require significant or impracticable technological change. Tests run at the Safety Systems Laboratory indicate that a sampling of production-run tires can meet the required performance levels, as they are now constructed. An analysis of benefits and costs demonstrates that the costs of additional testing are less than the estimated savings in property and lives. Finally, the consumer of new tires is less likely than the retread consumer to shift his tire purchase habits and has less opportunity to do so. The NHTSA has carefully determined the technological and economic impact of Standard 119 on the new tire industry and found it to be practicable.

The NHTSA totally disagrees with the RMA and Firestone in their final argument that safety-related defect notification offers adequate protection to consumers without the addition of a safety standard. Firestone inaccurately equates the effect of a standard with that of a

notification campaign, claiming that in either case a manufacturer must recall tires containing defects or face civil penalties. Issuance of a standard imposes significantly greater responsibility on a manufacturer to assure himself in the exercise of due care that his product is safe before it is sold and subsequent use reveals a safety-related defect.

TECHNICAL CONSIDERATION OF STANDARD 119

The Application section (S3.) raised several questions about the standard's relationship to Standard 109-type tires, experimental tires, and low speed and off-road vehicle tires. The standard applies to new tires designed for highway use on non-passenger-car motor vehicles. The present language makes clear that tires which do not meet these criteria are not subject to the standard, including those tires subject to Standard 109. The tire manufacturer himself must determine whether his tires, restricted or not to speeds under 35 mi/h, or used on slow-moving vehicles on or off the highway, were designed by him for highway use. As an example, Dunlop cited moto-cross tires which use the public highway "during the course of competitions." Without evidence to the contrary, however, the NHTSA assumes that these tires are used to get to and from the competition over the public highways. In answer to a related request for interpretation by Bridgestone, it is the designed and intended use of the tire (as realistically anticipated by the manufacturer) that matters, not a simple marking such as "Not For Highway Use" on the tire sidewall. In the case of "experimental" or "survey" tires the tires are designed for highway test purposes and are subject to the standard.

The definition of light truck tire has been revised in response to comments from the RMA and the Japan Automobile Tire Manufacturers Association. They cited a number of light truck tires which may or may not share a common size designation or dimensions with passenger tires, but still require special test values because of their heavy-service construction.

Standard 119 does not include the voluminous "tire tables" of tire size designation, maximum loads and inflation pressures, and dimensions requested by the domestic tire industry. An explanation of this approach accompanied issuance of the rule (38 FR 31299, November 13, 1973). While the RMA and Goodyear have restated their earlier position that product standardization can only be assured by Government publication of industry association tables they did not respond to the extensive justification made with the rule. The NHTSA concludes that its determination is sound.

Nearly all tire manufacturers commented on Standard 119's labeling provisions and the amount of leadtime necessary to implement them. To resolve the most pressing problems, the NHTSA has already issued notices that postpone the effective date of the standard 6 months and propose a lettering size and depth, use of the DOT symbol prior to the

standard's effective date, and clarification of the treadwear indicator requirement. (39 FR 4087, February 1, 1974, 39 FR 3967, January 31, 1974). All other petitions which concern the labeling provisions are treated in this response.

The RMA and the European Tyre and Rim Technical Organization (ETRTO) requested changes in paragraph S6.5(d) ("Tire marking"), several of which are adopted in this amendment. The word "corresponding" is inserted before "inflation pressure" to accommodate tires whose maximum load rating is not at maximum inflation. Punctuation is removed from the legend that appears on the tire to simplify stamping. The example is revised to make clear that "TIRE RATED FOR SINGLE AND DUAL LOAD" and "TIRE RATED ONLY FOR SINGLE LOAD" do not appear on the tire sidewall. ETRTO suggested that a title appear on the tire to qualify the information provided, but the NHTSA has concluded that the information alone is more helpful to the unknowledgeable user, and that a knowledgeable user would refer to the tire tables for exact information before changing tire inflation pressure.

Paragraph S6.5(e) on speed restricted tires has been clarified to limit the requirement to tires restricted to 55 mi/h or less. S6.5(f) remains unchanged, because the National Traffic and Motor Vehicle Safety Act of 1966 requires that the actual number of plies and ply composition appear on the tire sidewall. The words "tube type" appear on tires under S6.5(g) because many consumers are unaware of the significant distinctions between tube type and tubeless tires. Dunlop's request that treadwear indicators be required on tires that are regrooved is beyond the authority under which Standard 119, applying only to new tires, was issued.

Paragraph S6.5(j) calls for a single letter to appear on the tire to indicate categories of strength within the size designation, for user information and test purposes. As the ETRTO pointed out, a requirement for any additional wording such as "load range" could confuse international standardization efforts. Manufacturers are, of course, entitled to add labeling information as long as the required information appears in the required format on the tire.

The maximum load rating provision in S6.6 requires tires of a particular size to have a maximum load rating at least as great as the lowest rating published for that size. In this way the publications do not mislead a consumer who assumes that a particular tire size must have only the load ratings listed. The RMA advocated that more particular load rating information be supplied to aid in actual tire selection. Reference to any factors other than tire size, however, would detract from the desired concept that, for one tire size, there is one lowest maximum load rating, and that load rating is published.

Two substantial requests were raised with regard to the endurance requirement. Unroyal petitioned for a reduction in the duration of the three test

phases to 4 hours each. The NHTSA is considering that submission but must deny action on it at this time because an independent evaluation of the procedures has not yet been conducted, and because there has not been notice or opportunity to comment on the proposal by all interested persons.

The RMA petitioned for 34-hour endurance testing of all tires subject to the high speed test (S6.3) on the grounds that the 47-hour speed/endurance test would be redundant. The NHTSA agrees and has revised Table III accordingly.

The ETRTO proposed new test values for some motorcycle tires, but the request was unclear as to the meaning of the 62 mi/h criterion and the unsupported request cannot be granted. If, in the future, the ETRTO petitions for rulemaking to revise the table, an explanation of the criterion and a justification for the test values would permit an informed decision.

Comments to the strength test questioned plunger size and energy values, the computation procedures, and the appropriateness of the test to mobile home, special trailer, wide base, and radial tires.

The RMA argued that the limited service of most mobile home and special trailer tires could not justify the increased cost necessary to upgrade the strength of the tires to meet the requirement. The NHTSA has consistently treated mobile homes and other trailers as full-fledged motor vehicles and applied applicable standards rigorously to reduce the number of crashes in which mobile homes are involved, as indicated by BMCS statistics. The RMA request is denied to ensure that equally-rated tires on towed and towing vehicles will, in fact, meet equal minimum strength requirements.

The RMA and ETRTO generally advocated larger plungers or reduced energy values for tires and the ETRTO petitioned for the exclusion of radial tires from the strength test. The NHTSA has determined that the establish values and plunger sizes, drawn from industry experience, adequately measure tire strength. Any future petitions for rulemaking to change these values should be accompanied by detailed supporting data, as was submitted by Uniroyal in its petition for reconsideration.

Comments again requested that a plunger which contacts the rim be considered to have established an energy value which meets the strength requirement. The NHTSA reiterates its position that the standard's present energy values measure the strength of a well-constructed non-passenger car tire before the tire breaks or the plunger contacts the rim. Specific test values may be revised based on future test experience, but revision of the calculation procedures used for all tires is not justified. The request for three plunger applications in the case of 12-in or smaller diameter tires has been granted.

Michelin and the ETRTO have inquired as to the NHTSA's position with regard to tubeless tires above load range J. Such tires, when marketed in the United States, are subject to this standard, and the NHTSA would like the bene-

fit of detailed description of, and test experience with, these tires before it establishes test requirements. It is requested that support for ETRTO or Michelin values be submitted to the NHTSA Tire Division.

The high speed performance requirement was adopted to test different tire characteristics from those tested under the endurance performance requirement. The test is run only on non-speed-restricted tires in the lighter load ranges because, for tires of heavier construction, the endurance test alone develops temperatures which evaluate all the characteristics satisfactorily. The RMA and several manufacturers have pointed out that the endurance test can serve this purpose for large tires even in the lighter ranges, and the NHTSA, therefore, restricts the high speed requirements to motorcycle tires and to non-speed-restricted tires of 14.5-in nominal rim diameter or less marked Load Range A, B, C, or D. Light truck tires and other tires which are 14.5 in and smaller remain subject to the high speed requirements because the NHTSA has determined that the high speed test measures different values than the endurance test in these smaller sizes.

The definition of tire failure is closely related to the endurance and high speed performance tests. The RMA and several tire manufacturers requested re-definitions of several terms and revision of the tire cooling procedures related to tire failure. The NHTSA has established Docket 71-10, New pneumatic tires, revised performance requirements, to treat the re-definition of tire failure, and will respond to these issues in a notice to that docket.

Interested persons should remember that, in addition to the amendments set forth below, the NHTSA has already amended the effective date of the Standard to March 1, 1975, and has proposed amendments to the lettering, DOT certification, and treadwear provisions which will be acted on when comments have been considered.

In consideration of the foregoing, the following amendments are made to Parts 571 and 574 of Title 49, Code of Federal Regulations:

§ 571.119 [Amended]

A. Standard No. 119, 49 CFR 571.119, is amended as follows:

1. S3. is amended to read:
S3. Application. This standard applies to new pneumatic tires designed for highway use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles manufactured after 1948.
2. In S4. *Definitions.*, the definition of "Light truck tire" is amended to read:
"Light truck tire" means a tire designated by its manufacturer as primarily intended for use on lightweight trucks or multipurpose passenger vehicles.
3. S6. is amended to read:
S6. *Requirements.* Each tire shall be capable of meeting any of the applicable requirements set forth below, when mounted on a model rim assembly corresponding to any rim designated by the tire manufacturer for use with the tire in accordance with S5. However, a

particular tire need not meet further requirements after having been subjected to and met the endurance test (S6.1), strength test (S6.2), or high speed performance test (S6.3).

4. S6.3 is amended to read:

S6.3 *High speed performance.* When tested in accordance with the procedures of S7.4, a tire shall meet the requirements set forth in S6.1.1 and S6.1.2 (a) and (b). However, this requirement applies only to motorcycle tires and to non-speed-restricted tires of 14.5-in nominal rim diameter or less marked load range A, B, C, or D.

5. In S6.5 *Tire marking.*, paragraphs S6.5 (d) and (e) are amended to read:

S6.5 *Tire marking.* * * *
(d) The maximum load rating and corresponding inflation pressure of the tire, shown as follows:

(mark on tires rated for single and dual load):
Max load single ----- lbs at ----- psi cold.
Max load dual ----- lbs at ----- psi cold.
(Mark on tires rated only for single load):
Max load ----- lbs at ----- psi cold.

(e) The speed restriction of the tire, if 55 mi/h or less, shown as follows:

Max speed ----- mph.

6. In S7.3 *Strength.*, paragraphs (a), (e), and (g) are amended to read:

S7.3 *Strength.* (a) Mount the tire on a model rim assembly and inflate it to the pressure corresponding to the maximum load, or maximum dual load where there is both a single and dual load marked on the tire. If the tire is tubeless, a tube may be inserted to prevent loss of air during the test in the event of puncture.

(e) Repeat the plunger application at 72° intervals around the circumference of the tire, until five measurements are made. However, in the case of tires of 12-in rim diameter or less, repeat the plunger application at 120° intervals around the circumference of the tire, until three measurements are made.

(g) Determine the average breaking energy value for the tire by computing the average of the values obtained in accordance with (f).

7. S7.4 is amended by the deletion of the sentence following "High speed performance."

8. In Table III, footnotes "1" and "2" are amended to read:

- (1) 4 hr for tire sizes subject to high speed requirements (S6.3).
- (2) 6 hr for tire sizes subject to high speed requirements (S6.3).

B. In Part 574, *Tire Identification*, 49 CFR Part 574, references in Figure 1 to "MVSS No. 109, S4.3(i)" and "MVSS No. 119, S4.4(i)" are deleted.

Effective date: March 1, 1975.

(Secs. 103, 112, 113, 114, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421); delegation of authority at 49 CFR 1.51)

Issued on February 7, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-3476 Filed 2-7-74; 4:22 pm]

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 THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 4112]

MANAGEMENT PRACTICES

Branding and Marking of Livestock

The purpose of this amendment is to incorporate into the regulations adequate branding and marking requirements for livestock authorized to graze on the public lands administered by the Bureau of Land Management.

Present regulations found at 43 CFR 4112.3-2(a) provide "the statutory provisions of the State in which the Federal range or stock driveway to be used is located relating to the branding of livestock and sanitary requirements, shall be followed." Some States, however, do not require all livestock to be branded, making efficient range administration of the public lands difficult. The proposed amendment would establish branding and marking requirements for livestock using public lands, retaining the requirement that appropriate State statutes be observed.

Implementation of this amendment will improve identification of livestock for the purposes of claiming ownership and controlling unauthorized use of the public lands. In addition, branding of domestic horses and burros authorized to graze on public lands will reduce the possibility of misconception regarding the ownership of those animals.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until March 8, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

In § 4112.3-2, paragraph (a) is revised to read as follows:

§ 4112.3-2 Rules of fair range practice.

All licensees and permittees shall comply with the following rules of fair range practice:

(a) State laws relating to sanitary requirements and the branding of livestock shall be followed by graziers using the Federal range or stock driveways. However, if a State does not require all live-

stock to be branded, the following minimal requirements are mandatory for livestock authorized to graze or cross the Federal range in such State: (1) All cattle, horses, and burros over 6 months of age must carry a brand which has been filed with the District Manager, and (2) all sheep and goats over 6 months of age must be identified with ear marks, paint brands, or other markings filed with the District Manager. The District Manager shall retain the discretionary authority to require ear tagging and other marking of livestock in order to abate trespass and promote the orderly administration of the range.

BRAD E. HAINSWORTH,
Deputy Assistant,
Secretary of the Interior.

FEBRUARY 1, 1974.

[FR Doc.74-3317 Filed 2-8-74;8:45 am]

Office of Oil and Gas

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

IMPORTS OF CRUDE, FINISHED, AND UNFINISHED OILS

Proposed Allocations

Section 3 of Oil Import Regulation 1 (Revision 5), as amended, provides that with the exception of allocations issued pursuant to section 9A the next allocation period for all allocations not subject to license fee will begin May 1, 1974.

Prior to the beginning of any allocation period it is generally necessary to make technical changes such as revision of quantities of allocations to be made, dates, etc. However, to avoid confusion only those technical changes that relate to the substantive changes that are proposed in this document are made at this time. Other technical changes will be made at the time that amendments resulting from this proposed rulemaking are published.

The following changes in Oil Import Regulation 1 (Revision 5), as amended are proposed:

Sections 9, 10, and 11. The shortage of crude oil in 1973 has been felt much more acutely by some refiners and petrochemical plant operators than by others. It is believed that making allocations for the next allocation period based on 1973 inputs would compound the hardship suffered by refiners and petrochemical plant operators who had difficulty in obtaining feedstocks in 1973. Therefore, sections 9, 10, and 11 are amended to give the refiner

or petrochemical plant operator the option of using the calendar year 1973 inputs or the inputs reported in their application for 1973 allocations.

Sections 12 and 28. Presidential Proclamation 4210 set an upper limit on the volume of allocations of imports not subject to license fees of residual fuel into Districts I and V. Sections 12 and 28 are amended in their entirety to provide that allocations of residual fuel oil into Districts I and V will be made on inputs of residual fuel oil to deepwater terminals in the respective Districts during the previous calendar year.

Section 29. Certain refineries and petrochemical plants located close to the Canadian border, the so-called northern tier group, are almost totally dependent upon Canadian imports as feedstocks, having no access to the other major pipeline systems.

Under existing provisions of the regulation a person granted an allocation of Canadian imports must process at least fifty percent of the imports in his own facility. Therefore, even though a shortage of crude oil has developed in the northern tier area Canadian imports are being transported out of the area by persons holding historical allocations, but who have facilities in other geographic locations.

The hardship suffered by the Canadian dependent refiners and petrochemical plant operators because of the shortage of feedstocks has been acknowledged repeatedly by the Oil Import Appeals Board (OIAB). However, it is believed that a person should not be required to seek relief from the OIAB on a routine basis in order to obtain feedstocks for his plants. Moreover, the Canadian National Energy Board has stated that no OIAB grants made after August 15, 1973 would be honored in their export allocation computation.

It now appears that the Mandatory Petroleum Allocation Regulations which were published in the FEDERAL REGISTER on January 15, 1974 will have an adverse effect upon the ability of Canadian dependent refiners to obtain feedstocks.

Therefore, section 29 is amended to abandon the historical basis and to make the allocations on a basis that assures those persons who are truly dependent on Canadian crude an import quota adequate to meet their feedstocks requirements at the level of operation dictated by the Mandatory Petroleum Allocation Regulations. In the event the allocation of Canadian imports results in an importer having crude oil in excess of the refinery supply/demand ratio, he will, of

course, be required to offer the excess for sale. Facilities in which Canadian imports during the input period comprised at least 70 percent of the total inputs will earn an allocation of Canadian imports equal to 80 percent of the total inputs to the facility during the input period. Facilities processing at least 45 percent Canadian imports will earn an allocation equal to 70 percent of total inputs. The remainder of the Canadian imports to be allocated will be divided among eligible applicants in relation to the amount of Canadian imports processed by them during the input period. Imports of Canadian imports may not be exchanged for domestic oil and must be processed in the applicant's own facilities except when sale of Canadian imports are made to comply with other Federal regulations.

Section 30. Allocations of No. 2 fuel oil into District I for the 1973 allocation period were based on allocations made for the 1972 allocation period. Rather than perpetuating a historical allocation system section 30 is amended to allocate No. 2 fuel oil into District I to eligible applicants based on qualified inputs into deepwater terminals in District I during the calendar year 1973.

Section 33. Presidential Proclamation 4210 set an upper limit on the imports of Canadian imports into District V with the result that it is not now practical to make allocations of Canadian imports based on the estimated need of each applicant. Therefore, section 33 is amended to make allocations of Canadian imports into District V so that each applicant receives the same prorata share of future allocations of Canadian imports as he received in the calendar year 1973 allocation period.

Section 35. Section 35 is amended to update the section for the allocation period beginning May 1, 1973. Although the changes are technical in nature they are included in the proposed rulemaking to serve notice that imports of natural gas products from Canada into Districts I-IV during the allocation period May 1, 1974 through April 30, 1975 will be allocated according to imports made during the calendar year 1973.

Interested parties are invited to submit written comments on the proposed rulemaking contained herein on or before February 26, 1974 to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DUKE R. LIGON,
Director, Office of Oil and Gas.

Paragraphs (a) and (b) of Section 9 are amended to read as follows:

Sec. 9. Allocations; petrochemical plants; Districts I-IV, District V.

(a) For the allocation period May 1, 1974, through April 30, 1975, each eligible person with a petrochemical plant in Districts I-IV shall receive an allocation not subject to license fee of imports of

crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the calendar year 1973 or the year ending September 30, 1972, whichever is greater, multiplied by 11.2 percent $\times .90$.

(b) For the allocation period May 1, 1974, through April 30, 1975, each eligible person with a petrochemical plant in District V shall receive an allocation not subject to license fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the calendar year 1973 or the year ending September 30, 1972, whichever is greater, multiplied by 11.9 percent $\times .90$.

Paragraph (b) of Section 10 is amended to read as follows:

Sec. 10. Allocations; refiners; Districts I-IV.

(b) Each eligible applicant shall receive an allocation not subject to license fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1973, or the year ending September 30, 1972, whichever is higher. The allocation shall be computed according to the following schedule:

Average barrels per day input	Percent of input	Number of days
0 to 10,000.....	} $\times \left\{ \begin{array}{l} 21.7 \\ 13.0 \\ 7.6 \\ 3.8 \end{array} \right\} \times$	365
10 to 30,000.....		
30 to 100,000.....		
100,000 plus.....		

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

Paragraph (b) of Section 11 is amended to read as follows:

Sec. 11. Allocations, refiners; District V.

(b) Each eligible applicant shall receive an allocation not subject to license fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1973, or the year ending September 30, 1972, whichever is higher. The allocation shall be computed according to the following schedule:

Average barrels per day input	Percent of input	Number of days
0 to 10,000.....	} $\times \left\{ \begin{array}{l} 67.5 \\ 16.9 \\ 5.6 \end{array} \right\} \times$	365
10 to 30,000.....		
30,000 plus.....		

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

Section 12 is amended in its entirety to read as follows:

Sec. 12. Allocations of residual fuel oil—District I.

(a) This section provides for making of import allocations not subject to license fee for periods beginning May 1, of each year, of imports into District I of residual fuel oil to be used as fuel in District I.

(b) To be eligible for an import allocation not subject to license fee of residual fuel oil pursuant to this section a person must:

(1) Be in the business in District I of selling residual fuel oil to be used as fuel and have under his management and operational control a deepwater terminal located in District I into which there has been delivered residual fuel oil to be used as fuel which he owned at the time of delivery, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal residual fuel oil to be used as fuel which he owned when it was so delivered. For the purpose of this section, "throughput agreement" means an agreement which provides for the delivery to a deepwater terminal by a person of residual fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal.

(3) Must have had qualified terminal inputs during the calendar year immediately preceding the allocation period for which the application is filed.

(c) A person seeking an import allocation not subject to license fee pursuant to this section must file an application with the Director on such form as he may prescribe. The application shall disclose such information as the Director may deem necessary in such detail as he may require. Applications must be timely filed in accordance with section 5 of this regulation.

(d) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license

fee to import residual fuel oil into District I to be used as fuel in District I computed according to the following formula:

$$\frac{\text{Applicant's average barrels per day qualified terminal inputs for calendar year 1973}}{\text{Average barrels per day qualified terminal inputs for all applicants for calendar year 1973}} \times 2,610,000 \text{ bbl/d}$$

(e) An eligible applicant may count as qualified terminal inputs quantities of residual fuel oil:

(1) Delivered during the calendar year immediately preceding the allocation period for which the application is filed into a deepwater terminal in District I which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in District I; or

(2) Which the applicant owned, sold to a Federal agency or to any agency of a State or a political subdivision of a State, and delivered during the calendar year immediately preceding the allocation period for which the application is filed, to a deepwater terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in District I; or

(3) Which was delivered to applicant's deepwater terminal in District I as a first delivery into a deepwater terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title during the calendar year immediately preceding the allocation period for which the application is filed, upon withdrawal by him from the terminal.

(f) No allocation made pursuant to this section may be sold, assigned or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of residual fuel oil into District I for use as fuel oil in District I.

Section 28 is amended in its entirety to read as follows:

Sec. 28. Allocations of low sulphur residual fuel oil—District V.

(a) This section provides for the making of allocations of imports, not subject to license fee, into District V of low sulphur residual fuel oil to be used as fuel in District V. As used in this section 28, "low sulphur residual fuel oil" means (1) residual fuel oil to be used as fuel which is manufactured or produced in a foreign area and which contains not more than five-tenths of one percent (0.5%) sulphur by weight, or (2) residual fuel oil to be used as fuel which is manufactured by facilities in a foreign trade zone located in District V and which has a sulphur content not exceeding the percent by weight required by local government requirements.

(b) To be eligible for an allocation not subject to license fee of low sulphur residual fuel oil under this section a person must:

(1) Be in the business in District V of selling residual fuel oil to be used as fuel and have under his management and operational control a deepwater terminal located in District V into which there has been delivered low sulphur residual fuel oil to be used as fuel which he owned at the time of delivery, such delivery being the first delivery of that oil into a deepwater terminal in District V; or

(2) Be in the business in District V of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal low sulphur residual fuel oil to be used as fuel which he owned when it was so delivered, such delivery being the first delivery of that oil into a deepwater terminal in District V. For the purposes of this section, "throughput agreement" means an agreement which provides for the delivery to a deepwater terminal by a person of residual fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal and only if that delivery is the first delivery of that oil into a deepwater terminal in District V.

(3) Must have a history of qualified terminal inputs of low sulphur residual fuel oil during the calendar year immediately preceding the allocation period for which the application is filed.

(c) A person seeking an import allocation not subject to license fee pursuant to this section must file an application with the Director on such form as he may prescribe. The application shall disclose such information as the Director may deem necessary in such detail as he may require. Applications must be timely filed in accordance with section 5 of this regulation.

(d) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee to import low sulphur residual fuel oil into District V to be used as fuel in District V computed according to the following formula:

$$\frac{\text{Applicant's average barrels per day qualified terminal inputs for calendar year 1973}}{\text{Average barrels per day qualified terminal inputs for all applicants for calendar year 1973}} \times 68,040 \text{ barrels per day}$$

as qualified terminal inputs quantities of low sulphur residual fuel oil:

(1) Delivered during the calendar year immediately preceding the allocation period for which the application is filed, into a deepwater terminal in District V which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered if, he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in District V; or

(2) Which the applicant owned, sold to a Federal agency or to any agency of a State or a political subdivision of a State, and delivered during the calendar year immediately preceding the allocation period for which the application is filed, to a deepwater terminal in District V for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in District V; or

(3) Which was delivered to applicant's deepwater terminal in District V as a first delivery into a deepwater terminal in District V under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title during the calendar year immediately preceding the allocation period for which the application is filed, upon withdrawal by him from the terminal.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of residual fuel oil into District V for use as fuel oil in District V.

Section 29 is amended in its entirety to read as follows:

Sec. 29. Canadian Imports—Districts I-IV.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports not subject to license fee under this section a person must have in Districts I-IV a facility capable of processing Canadian imports and must have processed Canadian imports during the calendar year immediately preceding the allocation period for which the application is filed.

(c) The Director shall make allocations in each allocation period to eligible applicants of Canadian imports into Districts I-IV on a plant by plant basis as follows:

(1) Each refinery or petrochemical plant in which the inputs of Canadian imports in the previous calendar year equaled or exceeded 70 percent of the total qualified inputs in the previous calendar year shall earn an allocation of Canadian imports equal to 80 percent of

the total qualified inputs in the preceding calendar year.

(2) Each refinery or petrochemical plant in which the inputs of Canadian imports in the previous calendar year equaled or exceeded 45 percent of the total qualified inputs in the previous calendar year shall earn an allocation of Canadian imports equal to 70 percent of the total qualified inputs in the preceding calendar year.

Eligible applicants qualified inputs of Canadian imports

Total qualified inputs of Canadian imports listed in all eligible applications not receiving allocations under subparagraphs (1) and (2) ----- bbl/d—Barrels per day allocated by subparagraphs (1) and (2)

(d) All Canadian imports imported pursuant to an allocation made under this section must be processed in the applicant's facilities except any such imports which are offered for sale and sold to comply with other Federal regulations governing internal allocations of petroleum and petroleum products. Canadian imports sold to comply with such regulations may be counted as qualified inputs under this section by the seller in the subsequent input period. Canadian imports obtained by virtue of such sale may not be counted as qualified inputs under this section.

(e) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports in his facilities before July 1, 1975, then any allocation of Canadian imports, or an allocation for Districts I-IV to which such person may otherwise be entitled under sections 9, 10, 25 or 25A of this regulation, for the first allocation period beginning after April 30, 1975, shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports which such person has failed to process in his facilities before April 1, 1975, except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such persons' fault and were beyond his control, or (2) such person on or before September 1, 1974, in writing, relinquishes all or part of an allocation made under this section and returns to the Director licenses issued thereunder.

(f) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, not later than July 15, 1975, (1) the total quantity of Canadian imports which that person imported during the period May 1, 1974, through April 30, 1975, pursuant to an allocation made under section 29 of this regulation, and (2) the quantity of such imports that were processed in his facilities before April 1, 1975. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an

(3) That portion of the allocation of Canadian imports available for allocation under this section which has not been distributed by subparagraphs (1) and (2) of this paragraph shall be allocated to eligible refiners and petrochemical plant operators not receiving allocations under subparagraphs (1) and (2) of this paragraph in accordance with the following formula:

location is made under this section fails to file by July 15, 1975, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(g) An allocation made pursuant to this section shall not be sold, assigned or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process such imports only in the facilities set forth in his application.

(h) Applications for an allocation pursuant to this section must be filed in accordance with section 5 in such form as the Director may prescribe. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of qualified inputs (as defined in paragraph (d) (1) of this section for each such facility during the calendar year 1973 or the year ending September 30, 1972, whichever is greater).

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before July 1, 1975.

(f) Licenses issued pursuant to this section shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only.

Section 30 is amended in its entirety to read as follows:

Sec. 30. Allocations of No. 2 fuel oil—District I.

(a) For the purposes of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flashpoint, degrees Fahrenheit, Minimum.....	100
Pour point, degrees Fahrenheit, Maximum.....	20
Water and sediment, percent Maximum.....	0.10

Carbon residue on 10 percent residuum percent, Maximum.....	0.35
Distillation temperature degrees, Fahrenheit, 90 percent point:	
Maximum.....	675
Minimum.....	540
Viscosity, saybolt universal, seconds at 100° F:	
Maximum.....	46.0
Minimum.....	33.0
Gravity API, Minimum.....	30.0

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deepwater terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps and pipelines used for storage, transfer and handling of No. 2 fuel oil;

(ii) Is on waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores and other items necessary for use on a voyage.

(4) The term "throughput agreement" means a written agreement which provides for the delivery to a deepwater terminal by a person of No. 2 fuel oil which he owns at the time of delivery to the terminal and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) For each 12 month allocation period beginning May 1, of each year the Director will make allocations not subject to license fees to eligible applicants of imports of No. 2 fuel oil into District I at levels prescribed by Presidential Proclamation 3279, as amended.

(c) (1) Except as provided in paragraph (c) (2) of this section, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil, has under his management and operational control a deepwater terminal which is located in District I and in which No. 2 fuel oil is handled, does not have a crude oil import allocation into Districts I-IV or Puerto Rico under sections 9, 10, 11, 15, 25 or 25A of this Regulation and who, in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in District I who does not have a crude oil import allocation into Districts I-IV or Puerto Rico under sections 9, 10, 11, 15, 25, or 25A of this Regulation and who in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(2) No person who has an allocation

Applicant's qualified terminal inputs—average barrels per day for the calendar year 1973	×	45,000 average barrels per day of No. 2 fuel oil
Average barrels per day of all qualified terminal inputs for the calendar year 1973		

(e) An eligible applicant may count as qualified terminal inputs quantities of No. 2 fuel oil which during the calendar year immediately preceding the allocation period for which the application is filed:

(1) Were delivered into a deepwater terminal in District I which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in District I, or

(2) The applicant owned, sold to a Federal agency or to an agency of a State or a political subdivision of a State, and delivered to a deepwater terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in District I; or

(3) Was delivered to applicant's deepwater terminal in District I as a first delivery into a deepwater terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title, upon its withdrawal by him from the terminal.

For the purpose of this paragraph (e), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deepwater terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I-IV, District V or Puerto Rico under sections 9, 10, 11, 15, 25 or 25A of this Regulation shall not be deemed to be a first delivery to a deepwater terminal in District I.

(f) No allocation made pursuant to this section may be sold, assigned or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil to be used as fuel in District I.

Paragraph (c) of section 33 is amended to read as follows:

Sec. 33. Canadian Imports, District V.

(c) The Director shall make allocations not subject to license fee to each

of imports into Districts I-IV or Puerto Rico of crude oil under sections 9, 10, 11, 15, 25, or 25A of this Regulation shall be eligible for an allocation under paragraph (d) of this section.

(d) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee of imports into District I of No. 2 fuel oil computed according to the following formula:

eligible applicant for the allocation period beginning May 1 of each year on the basis of the prorata share of the allocation of Canadian imports into District V made to each applicant for the calendar year 1973, relative to the total of all allocations of Canadian imports made to all applicants for the calendar year 1973.

[FR Doc.74-3380 Filed 2-7-74; 10:42 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
[21 CFR Parts 121, 128, 133]

ASBESTOS PARTICLES IN FOOD AND DRUGS

Notice of Proposed Rule Making; Correction

In FR Doc. 73-20711 appearing at page 27076 in the issue of Friday, September 28, 1973, the following corrections are made on page 27080:

1. In column 1, the 16th line of § 121.2006(c)(1) reading "soil are less than 1.590. Chrysotile" is changed to read "soil are less than 1.574, and those of amphibole types of asbestos are greater than 1.590. Chrysotile".

2. In § 121.2006(c)(3), the fourth line in the third column of the table under "Talc"; the item "nearly-n" is changed to read "nearly n".

3. The footnote to the table is changed " $\frac{n+n}{2}$ " from to " $\frac{(n+\beta)}{2}$ ".

Dated: February 1, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-3310 Filed 2-8-74; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Exemptions From Child Protection Packaging Standards

The purpose of this document is to propose four exemptions to the regulation requiring child protection packaging for human prescription drugs in oral dosage forms.

Background. In the FEDERAL REGISTER of April 16, 1973 (38 FR 9431), and under provisions of the Poison Prevention Packaging Act of 1970, the Commissioner of the Food and Drug Administration promulgated a regulation (21 CFR 295.2(a)(10)) establishing child protection packaging requirements for human prescription drugs in oral dosage forms, effective April 16, 1974.

In the document's preamble, the Commissioner announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)) transferred functions under the Poison Prevention Packaging Act of 1970 to the Consumer Product Safety Commission.

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, the amendments proposed below involve 16 CFR 1700.14(a)(10) instead of 21 CFR 295.2(a)(10).

Exemption petitions. The Consumer Product Safety Commission has received petitions for exemptions from the aforesaid packaging standards. The following are the requests for which exemptions are proposed below:

1. *Erythromycin ethylsuccinate oral suspensions.* Abbott Laboratories, North Chicago, Ill., has petitioned for exemption of their erythromycin ethylsuccinate preparations for oral suspension. The basis given in support of the requested exemption is the relative safety of the product. The petitioner's extrapolation of LD-50 data from mice to a 22-pound child results in an LD-50 of 100 grams. Abbott contends, therefore, that the largest package marketed, containing 8 grams of erythromycin ethylsuccinate, would not be expected to cause serious personal injury or serious illness to young children. Human experience data reported in the petition supports the contention that this product, as marketed, would not cause serious personal injury or serious illness in young children.

2. *Certain cyclically administered oral contraceptives.* Petitioned for exemption are cyclically administered oral contraceptives in manufacturer's mnemonic (memory-aid) dispenser packages which rely solely upon the activity of one or more of the following progestogen and estrogen substances: Dimethisterone, ethinyl estradiol, ethynodiol diacetate, mestranol, norethindrone, norethynodrel, or norgestrel and which provide not more than the following amounts of these substances per package: 150.0 milligrams of dimethisterone, 2.2 milligrams of ethinyl estradiol, 21.0 milligrams of ethynodiol diacetate, 6.0 milligrams of mestranol, 200.0 milligrams of norethindrone, 105.0 milligrams of norethynodrel, or 10.5 milligrams of norgestrel.

Petitions for the exemption of oral contraceptives have been received from Parke, Davis and Co., Detroit, Mich., Wyeth Laboratories, Inc., Philadelphia, Pa., Mead Johnson Laboratories, Evansville, Ind., Ortho Pharmaceutical Corp., Raritan, N.J., Searle Laboratories, Chicago, Ill., and Syntex Laboratories, Inc., Palo Alto, Calif. All of the oral contraceptives covered in these petitions are dispensed either in one-month or in both one- and three-month size mnemonic (memory-aid) packages and contain one or more of the following progestogen and estrogen substances as active hormonal ingredients: Dimethisterone, ethinyl estradiol, ethynodiol diacetate, mestranol, norethindrone, norethynodrel, or norgestrel. Grounds given in support of the requested exemptions are a low toxicity for oral contraceptives, considerable human experience data showing no related serious personal injury or serious illness in young children, and the importance of the present form of mnemonic (memory-aid) packaging to successful hormone therapy. In regard to the packaging, the manufacturers report no available "special packaging" that provides the mnemonic feature.

3. *Anhydrous cholestyramine (chloride salt of a basic anion-exchange resin) in powder form.* Mead Johnson Laboratories, Evansville, Ind., has requested an exemption for their chloride salt of a basic anion-exchange resin, anhydrous cholestyramine. Grounds given in support of the requested exemption are an inherent lack of toxicity, no reports of injury to children, and results of a study showing most children find the product objectionable.

Petition toxicity data show anhydrous cholestyramine in powder form to be relatively safe. No deaths or signs of toxicity in mice were observed during the 7 days following oral administration of 10 grams per kilogram of body weight of anhydrous cholestyramine in powder form. Moreover, no accidental overdose of anhydrous cholestyramine in powder form by a child under 5 years of age has been recorded by the National Clearinghouse for Poison Control Centers.

Actual testing of 410 children was conducted to determine if children would ingest the product as marketed and, if so, how much of the product was likely to be ingested. The testing involved both the bulk package and the foil-wrapped 9-gram packets. Of the children tested, only one showed an inclination to ingest large amounts of the product. None of the remaining 409 children ingested more than 8 grams of the product.

4. *Certain potassium supplements.* Both Dorsey Laboratories, Lincoln, Nebr., and Mead Johnson Laboratories, Evansville, Ind., petitioned for exemption of potassium supplements which are individually packaged effervescent tablets, each containing not more than 25 milliequivalents of potassium.

Grounds given in support of the requested exemption are the low toxicity of potassium salts and the fact that, on the

basis of studies with children, the physical characteristics of effervescence and/or taste discourage overingestion. Results of testing for one manufacturer's product showed that of 200 children tested, only one appeared not to be deterred by the effervescence and taste. Of the remaining 199 children, none ingested more than 1 1/4 tablets. In the case of the other manufacturer's product, of 302 children tested, none ingested more than one-half of a tablet.

Conclusion and proposal. Having considered the petitions, human experience data from the National Clearinghouse for Poison Control Centers, and other available information, and having consulted with the Technical Advisory Committee for Poison Prevention Packaging as required by section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472), the Consumer Product Safety Commission concludes that these four requested exemptions should be proposed as set forth below. The Commission emphasizes that by proposing these exemptions to the packaging standards for prescription drugs, it is in no way proposing to exempt these products from the act or other applicable standards thereunder. Pending petitions for exemption from the prescription drug packaging standards that are not acted upon in this proposal remain under consideration by the Commission.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72 (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079 (a))), the Commission proposes that 16 CFR 1700.14(a)(10) be revised to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

(i) Sublingual dosage forms of nitroglycerin;

(ii) [Reserved]

(iii) Erythromycin ethylsuccinate granules for oral suspension and oral suspensions in packages containing not more than 8 grams of erythromycin ethylsuccinate.

(iv) Cyclically administered oral contraceptives in manufacturers' mnemonic (memory-aid) dispenser packages, which rely solely upon the activity of one or more of the following progestogen and estrogen substances: Dimethisterone, ethinyl estradiol, ethynodiol diacetate, mestranol, norethindrone, norethynodrel, or norgestrel and which provide not more than the following amounts of these

substances per package: 150.0 milligrams of dimethisterone, 2.2 milligrams of ethinyl estradiol, 21.0 milligrams of ethynodiol diacetate, 6.0 milligrams of mestranol, 200.0 milligrams of norethindrone, 105.0 milligrams of norethynodrel, or 10.5 milligrams of norgestrel.

(v) Anhydrous cholestyramine (chloride salt of a basic anion-exchange resin) in powder form.

(vi) Potassium supplements which are individually packaged effervescent tablets, each containing not more than 25 milliequivalents of potassium.

Since these petitions were received prior to the effective date (April 16, 1974) of the regulation establishing child protection packaging requirements for human prescription drugs in oral dosage forms, the publication of these proposed amendments shall have the effect of suspending the effective date of the regulation only as it applies to drugs described by these proposed exemptions, pending review of comments and promulgation of a final regulation. This proposal will in no way affect the effective date of the prescription drug standards as they apply to other prescription drugs subject to the standards.

Interested persons are invited to submit, on or before March 13, 1974, written comments regarding this proposal. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C. 20207, during working hours, Monday through Friday.

Dated: February 5, 1974.

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

[FR Doc. 74-3300 Filed 2-8-74; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 52]

NEW HAMPSHIRE

Proposed Revision to Implementation Plan

On August 14, 1971 (36 FR 15486) the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420, Regulations for the Preparation, Adoption, and Submittal of State Implementation Plans under section 110 of the Clean Air Act, as amended. Those regulations were republished November 25, 1971 (36 FR 22469) as 40 CFR Part 51. The regulations applicable to plan revisions as set forth in § 51.6 were revised on December 9, 1972 (37 FR 26310).

On July 12, 1973, the Honorable Mel-drim Thomson Jr., Governor of New Hampshire, submitted to the Environmental Protection Agency for approval, a revision to the New Hampshire Imple-

mentation Plan, pertaining to achievement and maintenance of the ambient air quality standards for sulfur oxides (sulfur dioxide).

The Administrator hereby issues this notice setting forth the New Hampshire revision as proposed rulemaking and advises the public that comments may be submitted on whether the control strategy should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within thirty days from the publication of this notice will be considered. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110 (a) (2) (A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

The proposed revision would allow the use of two percent sulfur content number five and six fuel oil until October 1, 1974, and the use of one and one-half percent fuel after that date, except in the New Hampshire portion of the Androscoggin Valley Air Quality Control Region and 2.2 percent sulfur content number five and six fuel oil may be burned. The sulfur content in the Androscoggin Valley will be reviewed annually by the New Hampshire Air Pollution Control Commission. Last year a plan revision allowed the use of 2.0 percent sulfur content residual fuel statewide, except for two sources in the Androscoggin Valley. Those two sources (on a variance which allowed the use of 2.2 percent sulfur oil) consume over 98 percent of the residual fuel in the New Hampshire portion of the Androscoggin Air Quality Control Region. All the ambient air quality standards were achieved and the State indicates that there will be no problem maintaining those standards if this revision is approved. The present implementation plan regulations would have required a final reduction to 1 percent sulfur residual fuel statewide by October 1, 1973.

Copies of the New Hampshire plan are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region I, Room 2203 JFK Federal Building, Boston Massachusetts 02203, and the State Laboratory Building, New Hampshire Air Pollution Control Agency, Concord, New Hampshire 03301. A copy is also available for public inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comment to the Regional Administrator, Environmental Protection Agency, Region I, 2211 John F. Kennedy Federal Building, Boston, MA 02203. Comments received on or before March 13, 1974, will be considered. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)))

Dated: February 5, 1974.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

[FR Doc. 74-3350 Filed 2-8-74; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[74-62]

FEDERAL SAVINGS AND LOAN SYSTEM Proposed Amendments Relating to Advisory Directors and Committees

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new § 545.26 thereto and by revising § 545.6-8 thereof. The purpose of the new § 545.26 is to clarify the authority of a Federal association to create an advisory board of directors or advisory committee. Such advisory boards or committees may be used to advise a Federal association on the operation of a branch office or for any other purpose authorized by the association's board of directors. The proposed new § 545.26 also sets forth limitations on the fees that may be paid to the members of such an advisory board or committee and the terms of office for such members. The reason for revising § 545.6-8 is to place some of the same restrictions on a member of an advisory board of directors or advisory committee that are placed on regular directors of a Federal association. By a companion Resolution (Resolution No. 74-63), the Board proposes to amend § 563.34 of the rules and regulations for insurance of accounts (12 CFR 563.34) in order to make the restrictions applicable therein to the regular directors of an insured institution applicable to members of an advisory board of directors or advisory committee of an insured institution.

In connection with the proposed new § 545.26, the Board also hereby proposes to revoke § 544.6(h) (2), which contains an optional bylaw provision relating to advisory directors for Federal associations. The reason for revoking § 544.6 (h) (2) is it will be obsolete and confusing if the proposed new § 545.26 is adopted because § 544.6(h) (2) restricts advisory director membership to former directors of the association. If the Board adopts new § 545.26 and revokes § 544.6 (h) (2), the validity of an optional bylaw previously adopted by any association pursuant to § 544.6(h) (2) will not be affected. The optional bylaw relating to age limitations of members of boards of directors provided in § 544.6(h) (1) will continue not to apply to members of advisory boards of directors or advisory committees.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend

Part 545 by revising § 545.6-8 thereof, and by adding a new § 545.26 thereto, immediately following § 545.25 thereof, 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 March 12, 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).

1. § 545.6-8 is revised to read as follows:

§ 545.6-8 Loans to directors, officers, or employees.

A Federal association may not make a real estate loan to a director, member of an advisory board of directors or advisory committee, officer or employee of the association, or to any attorney or firm of attorneys, regularly serving the association in the capacity of attorney-at-law, or to any partnership in which any such director, member of an advisory board of directors or advisory committee, officer, employee, attorney or firm of attorneys has any interest, and no real estate loan shall be made to any corporation in which any of such parties are stockholders, except that with the prior approval of its board of directors a real estate loan may be made to a corporation in which no such party owns more than fifteen percent of the total outstanding stock and in which the stock owned by all such parties does not exceed twenty-five percent of the total outstanding stock: *Provided*, That nothing in this section shall prohibit a Federal association from making loans on the security of a first lien on the home or combination of home and business property owned and occupied by a director, member of an advisory board of directors or advisory committee, officer or employee of an association, or by an attorney or member of a firm of attorneys regularly serving the association in the capacity of attorney-at-law.

2. § 545.26 is added to read as follows:

§ 545.26 Advisory boards or committees.

Each Federal association may establish one or more advisory boards of directors or advisory committees. Such advisory boards or committees may be established for the purpose of advising an association concerning matters related to the operations of a branch office of the association or for such other purposes as the association's board of directors may authorize. Such advisory boards or committees shall be subject to the following limitations:

(1) Fees paid by a Federal association to each member of such an advisory

board or committee may not exceed fees paid to members of the association's board of directors; may be paid only for attendance at meetings of the advisory board or committee; and may not be paid with respect to more than twelve such meetings per year;

(2) Each member of such an advisory board or committee shall be appointed on a year-to-year basis; and

(3) Members of such an advisory board or committee may attend meetings of the association's board of directors, but shall have no vote on any matter acted upon by such board.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464) Pub. L. 93-100, 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.74-3358 Filed 2-8-74;8:45 am]

[12 CFR Part 563]

[74-63]

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION

Proposed Amendment Relating to Advisory
Directors and Committees

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) by revising § 563.34(a) thereof which prohibits the establishment or maintenance of certain depository relationships.

By a companion resolution (Resolution No. 74-62), the Board proposes to amend Part 545 of the rules and regulations of the Federal Savings and Loan System (12 CFR Part 545) in order to set forth the authority of Federal associations to have advisory boards of directors and advisory committees and to make certain restrictions applicable to them. The reason for revising § 563.34 is to include members of an advisory board of directors or advisory committee within the groups defined as constituting an "interlock". "Interlock" is the term used in § 563.34 to describe the relationship between an insured institution and its depository.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 563 by revising § 563.34(a) 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 March 12, 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).

Section 563.34(a) is revised to read as follows:

§ 563.34 Selection of depository.

(a) Except with the prior written approval of the Corporation, as provided in paragraph (b) of this section, and except as is otherwise provided in this paragraph, no insured institution may (1) establish a depository relationship on or after July 1, 1972, with a depository with which it has an interlock; or (2) maintain an existing depository relationship if an interlock with such depository occurs on or after July 1, 1972. Any depository arrangement involving an interlock existing prior to July 1, 1972, may be continued on and after such date unless such arrangement has been specifically disapproved by the Corporation. The provisions of this section shall not apply to a depository relationship between an insured institution and a Federal Home Loan Bank. For the purposes of this section an "interlock" will be deemed to exist between an insured institution and a depository whenever any officer, director, member of an advisory board of directors or advisory committee, or controlling person of the insured institution, or attorney regularly serving the institution in the capacity of attorney-at-law, or the spouse of any of the foregoing, is an officer, partner, director, member of an advisory board of directors or advisory committee, or trustee of the depository or the owner of ten percent or more of the depository's stock.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730) 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.74-3359 Filed 2-8-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-423]

DIVERSIFIED BUSINESS ACTIVITIES

Order Terminating Proceeding

FEBRUARY 4, 1974.

Amendments to certain schedule pages of FPC Annual Report Forms No. 1 and No. 2 to obtain additional information on non-utility diversified business activities.

The Commission, on June 15, 1971, issued in this docket a notice of proposed rulemaking (36 FR 11943, June 23, 1971), proposing to acquire certain additional information concerning the diversified business activities of public utilities and natural gas pipelines subject to its jurisdiction. Specifically, the Commission proposed to amend pages 102 and 103 of FPC Annual Report Form Nos. 1 and

2 in order to obtain more valid and comprehensive information about the operations of electric and gas utilities outside the sphere of regulatory jurisdiction so as to permit adequate financial analysis and to "evaluate the actual and potential impact that such diversifications might have on the regulated activities."

Pursuant to the notice of rulemaking, interested parties were given until July 29, 1971, to submit data, views, comments, or suggestions concerning the proposed new reporting requirements. Upon request, the Commission extended this date to September 27, 1971. Thirty-one responses representing forty-nine respondents were received. Of those responding, seven requested a conference on the rulemaking and eight others asked to participate if a conference were held. Notice was given by letter of the Chief Accountant to all interested parties, and a conference was held with the staff on February 3, 1972.

The responding electric and gas utilities were overwhelmingly opposed to the proposed rulemaking. Among other things it was argued that the need for the proposed new data had not been established; that the proposed rule was beyond the authority of the Commission under the Federal Power and Natural Gas Acts; that portions of the required information were proprietary in nature and that public disclosure of such information would be damaging; and that the proposed reporting would either conflict with or duplicate reporting already required by the Securities and Exchange Commission.

Based on a review of the entire record in this proceeding, including the proposed rule, the comments filed by interested parties, other documents, submissions, and pleadings of record, and the Forms 1 and 2, we find that there is presently required to be filed, both with this Commission and with the SEC, public information which is fully adequate for the purposes set forth in the original rulemaking notice.

A review of Forms 1 and 2 reveals that information concerning "Control over Respondent" (Schedule 102) is, in addition to Schedule 102, also being reported on Schedules 106, Security Holders and Voting Powers; 108, Important Changes During the Year; 206, Receivables From Associated Companies; 221, Payables to Associated Companies; and 304, Particulars Concerning Certain Income Deduction and Interest Charges Accounts—Interest on Debt to Associated Companies.

With respect to information concerning "Corporations Controlled by Respondent" (Schedule 103), it appears that in addition to the data reported on Schedule 103, additional information is presently available as a result of certain new reporting requirements adopted by the SEC subsequent to the issuance of the rulemaking notice in this docket. At the time the notice was issued on June 15, 1971, the SEC required that investments in the securities of affiliates be reported on a cost basis with only major invest-

ments stated separately. (Reg. S-X, rule 12-04). No data on a subsidiary's earnings or dividends were required. Subsequently, on June 23, 1972, the SEC adopted revised requirements for this section of its regulations. (SEC Accounting Series Release No. 125). The revisions incorporated the equity method of accounting into the reporting requirements and schedules. The revised rule also provided for the reporting of earnings and dividend data for those subsidiaries accounted for on the equity basis, and provided further for the reporting of dividends received from subsidiaries accounted for on the cost basis. The reporting requirements proposed in Docket No. R-423 would provide little if any relevant information beyond that to be obtained under the above-mentioned reporting requirements of the SEC. The information reported to the SEC is publicly available. We can perceive no justification for requiring the duplication of such information in reports filed with this Commission.

Based on the foregoing, we find that no useful purpose will be served by a continuation of this rulemaking proceeding, and accordingly the proceeding will be terminated.

The Commission orders:

(A) The proceeding in Docket No. R-423 is hereby terminated.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.¹

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3264 Filed 2-8-74;8:45 am]

GENERAL ACCOUNTING OFFICE

[4 CFR Part 10]

CLEARANCE OF PROPOSALS BY INDEPENDENT FEDERAL REGULATORY AGENCIES TO CONDUCT OR SPONSOR THE COLLECTION OF INFORMATION

Notice of Proposed Rulemaking

Pursuant to section 3512(f) of title 44, United States Code, added by sec. 409(b) of Pub. L. 93-153, 87 Stat. 593, it is proposed to adopt a new Part 10 to title 4, CFR, to establish policies, requirements, and procedures governing submission to, and review and disposition by, the General Accounting Office of plans and forms proposed by independent Federal regulatory agencies to use in conducting or sponsoring the collection of information.

Subsection 409(a) of the act approved November 16, 1973, Pub. L. 93-153, 87 Stat. 593, excepts independent Federal regulatory agencies from the provisions of chapter 35 of title 44, United States Code (the Federal Reports Act of 1942, as amended), administered by the Office of Management and Budget, relating, inter alia, to investigation, review, and clearance of information collection ac-

tivities on the part of Federal agencies.

Subsection 409(b) of Pub. L. 93-153 adds a new section 3512 to chapter 35 of title 44, United States Code. Under (44 U.S.C. 3512), the Comptroller General of the United States shall review collection of information by independent Federal regulatory agencies to insure that required information is obtained with a minimum burden upon business enterprises, especially small businesses, and other respondents; that unnecessary duplication in obtaining information already filed with other Federal agencies is eliminated; and that information is tabulated so as to maximize its usefulness. One specific function assigned to the Comptroller General is to review and clear certain new or revised information collection proposals under 44 U.S.C. 3512 (c) and (d), which provide:

(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

The regulations here proposed will implement (44 U.S.C. 3512 (c) and (d)). The statutory provisions became effective on November 16, 1973, and have been administered under interim procedures and guidelines communicated by the General Accounting Office to the agencies concerned. Such interim procedures and guidelines will remain in effect until the final adoption of these regulations.

The complete text of the proposed regulations follows. Comments thereon by any interested party should carry the control number B-180224 and should be submitted to the Comptroller General of the United States, 441 G Street NW., Washington, D.C. 20548. All comments received on or before March 15, 1974, will be considered. Comments and other written material submitted will be available for public inspection in room 4035, Gen-

eral Accounting Office building, at the above address, during regular business hours.

[SEAL] ELMER B. STAATS,
Comptroller General
of the United States.

PART 10—CLEARANCE OF PROPOSALS BY INDEPENDENT FEDERAL REGULATORY AGENCIES TO CONDUCT OR SPONSOR THE COLLECTION OF INFORMATION

Subpart A—General Provisions

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AUTHORITY: (44 U.S.C. 3512(f)), added by sec. 409(b) of Pub. L. 93-153, 87 Stat. 593. Interpret or apply 44 U.S.C. 3512 (a), (c), (d).

Subpart A—General Provisions

§ 10.1 Scope and purpose of part.

This part establishes policies, requirements, and procedures governing submission to, and review and disposition by, the General Accounting Office (GAO), pursuant to (44 U.S.C. 3512 (c) and (d)), of plans or forms proposed by independent Federal regulatory agencies for use in conducting or sponsoring the collection of information upon an identical item from 10 or more persons. The provisions of this part supersede all prior GAO guidelines and procedures to implement (44 U.S.C. 3512) heretofore communicated to independent Federal regulatory agencies.

§ 10.2 Definitions.

As used in this part, unless the context requires otherwise—

“Collection of information” means the soliciting or obtaining of facts on an identical item from 10 or more persons by use of report forms, application forms, schedules, questionnaires, letters, plans, guides for personal visit or telephone or telegraphic surveys, or similar methods; or the imposition of recordkeeping or similar requirements concerning an identical item and affecting 10 or more persons.

“Independent Federal regulatory agency” (or “agency” in the sections hereinafter) means:

(a) The Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned), Civil Aeronautics Board, Consumer Product Safety Commission, Equal Employment Opportunity Commission, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, Federal Trade Commission, Interstate

¹ Dissenting statement of Chairman Naskas filed as part of the original document.

Commerce Commission, National Labor Relations Board, and Securities and Exchange Commission;

(b) Any Federal agency hereafter made subject to (44 U.S.C. 3512) by law; and

(c) Any Federal agency which GAO, after consulting with the Office of Management and Budget (OMB), determines to be an independent Federal regulatory agency for purposes of (44 U.S.C. 3502 and 3512).

"Person" means an individual, partnership, association, corporation, business trust, legal representative, an organized group of persons, a State or territorial government or branch, or a political subdivision of a State or territory or a branch of a political subdivision; but does not include agencies, instrumentalities, or employees of the United States.

"Plan or report form" includes any plan, guide, form, schedule, questionnaire, letter, instruction, contract, agreement, order, regulation, or other method or device used or available for use to solicit or obtain facts or to impose recordkeeping or similar requirements.

"Proposal," "proposal for the collection of information," or "proposed plans or report forms" refer to a proposal submitted to GAO for clearance pursuant to this part.

An agency is considered to "sponsor" the collection of information when it requires a person or organization, including its contractor or grantee, to collect specific information to be made available to the agency and when it promulgates plans or forms as mandatory standards for State or local government agencies to use in collecting information.

In determining whether information is collected from "ten or more persons," when the primary or principal respondent must obtain from others the same information requested of them (e.g., contractors obtaining information from subcontractors), the secondary respondents must be counted.

§ 10.3 General policies and responsibilities.

(a) The purpose of (44 U.S.C. 3512) is to assure that information required by agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish information. To this end, unnecessary duplication of efforts in obtaining information already filed with other Federal agencies through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable; and information collected and tabulated by agencies shall, as far as is expedient, be tabulated in a manner designed to maximize its usefulness to other Federal agencies and to the public.

(b) (1) Each agency subject to (44 U.S.C. 3512) shall submit to GAO all proposals for the collection of information requiring clearance under subpart B of this part. Any questions concerning whether a particular plan or re-

port form is subject to clearance shall be presented for determination by GAO. Submissions shall comply with the requirements prescribed in Subpart C of this part.

(2) Each agency is directly responsible for planning and conducting its information collection activities, including establishing procedures for managing such activities, in a manner consistent with the policies of (44 U.S.C. 3512), as stated in paragraph (a) of this section. Accordingly, prior to submitting proposals for clearance by GAO, each agency shall take all necessary and appropriate measures to insure to the best of its capabilities that proposed plans and report forms comply with the requirements and policies of (44 U.S.C. 3512), including all reasonable efforts to avoid seeking unneeded or marginally useful information; to ascertain whether information sought is already available from another source and, if so, to arrange for use of such information; to minimize both substantive and procedural burdens imposed upon respondents; and to solicit and consider the views of persons who would be affected by or interested in the proposed plan or report form, including respondents, business and trade associations, and other concerned organizations.

(3) Each agency shall provide GAO such information concerning the status and use of its plans and report forms as may be requested.

(c) GAO is responsible for determining whether information to be collected is already available from another Federal source and whether proposed plans or forms for the collection of information are consistent with the requirements and policies of (44 U.S.C. 3512). Such responsibilities will be approached initially by reviewing those steps which an agency has taken to effect compliance. However, GAO will take such additional steps as it deems necessary and appropriate to insure compliance with the statutory requirements and policies.

§ 10.4 Unlawful disclosure of information.

Section 3508(a) of title 44, United States Code, dealing with unlawful disclosure of information, applies to the use of information by agencies subject to this part.

Subpart B—Clearance Procedures

§ 10.5 Requirement for clearance.

(a) Except as provided in § 10.6 and paragraph (b) of this section, an agency shall not conduct or sponsor the collection of information upon an identical item from 10 or more persons unless in advance of adoption or revision of any plans or forms to be used in the collection—

(1) The agency has submitted to GAO proposed plans or forms for collecting such information, together with copies of pertinent regulations and of such other related materials as are specified in and required pursuant to subpart C of this part; and

(2) GAO has advised that the information proposed to be collected is not presently available to the agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provisions of (44 U.S.C. 3512).

(b) If GAO does not provide advice within 45 days following the date on which it received for clearance a proposal to collect information, and it has not returned such proposal to the agency in accordance with § 10.8(a), the agency may immediately proceed to collect such information under the proposal as submitted to GAO. Collection of information by operation of this subsection may not continue for more than 1 year from the date on which it commenced.

(c) Renewals of plans or report forms upon expiration of an existing clearance must be submitted for a new clearance whether or not any revision in such plans or report forms is proposed.

(d) Revisions in plans or report forms prior to expiration of an existing clearance are subject to a new clearance if such revisions are material. A material revision in a plan or report form or the use thereof, includes, but is not necessarily limited to, any modification in the kind or amount of information sought; any change in the number of type of respondents or the survey coverage; any change in the timing or frequency of reporting or the duration of records maintenance requirements; any other change in the sample design or collection method; or any change in the purpose for which information is required. Nonmaterial changes need not be submitted for clearance by GAO. However, agencies should advise GAO of such changes and the reasons therefor and furnish GAO a copy of the revised plan or report form.

(e) Agencies may continue to use plans and report forms approved by OMB prior to November 16, 1973, until the OMB clearance expires. No plan or report form previously cleared by OMB may be used after its expiration date (except as provided in § 10.11(a)) or materially revised for use prior to its expiration date without submission to and clearance by GAO.

§ 10.6 Particular proposals.

(a) (1) Subject to §§ 10.2 and 10.5 and paragraphs (b) and (c) of this section, agencies shall submit for clearance every new or revised proposal to conduct or sponsor the collection of information upon an identical item from 10 or more persons.

(2) Paragraphs (b) and (c) of this section establish certain initial guidelines for clearance. As such, these guidelines are not designed to cover indefinitely or comprehensively all issues which may arise concerning which plans or forms are subject to clearance; and GAO may depart from these guidelines when deemed consistent with (44 U.S.C. 3512). GAO shall ultimately determine what proposed plans and forms are subject to clearance; and any questions concerning

applicability of the clearance requirement to particular plans or forms, as well as questions concerning application of the guidelines contained in paragraphs (b) and (c), should be submitted for determination by GAO.

(b) Plans or forms for the collection of information shall be submitted for clearance irrespective of whether they are:

(1) Specifically authorized or required by law (and whether or not the agency is authorized to prescribe the manner or form as such collection);

(2) Established or implemented through a rulemaking or similar proceeding;

(3) Stated to be mandatory or voluntary on the part of respondents; or

(4) Undertaken solely to satisfy a requirement that the agency collect or maintain information for purposes of public inspection or disclosure.

(c) The requirement for clearance does not include the following types of plans or forms:

(1) Affidavits, oaths, notices of change of address, or forms used for acknowledgment or receipt of articles or services requiring no information other than that necessary to describe the article or service and identify the person or persons making the acknowledgment or receipt;

(2) Collection of information for identification or classification in connection with laboratory research and clinical investigations;

(3) Tests or examinations given individuals to determine knowledge, abilities, or aptitudes or the collection of information for identification or classification in connection with such tests;

(4) Requests for information in connection with a particular proceeding which arise out of judicial or quasi-judicial actions, such as proceedings before hearing examiners or administrative law judges; and

(5) Demands for information through the exercise of an agency's subpoena power or similar authority.

§ 10.7 Scope of clearance procedures.

(a) Each review for clearance by GAO of a proposal for the collection of information will include consideration of whether information proposed to be collected is presently available to the agency from another source within the Federal Government and whether the proposed plans or report forms impose a minimum burden upon respondents consistent with the substantive needs of the agency and are otherwise consistent with (44 U.S.C. 3512) and appropriate for collection of the information sought. The agency shall finally determine its substantive need for information. However, GAO will consider an agency's need for information, as well as any other issue, insofar as they are relevant to the criteria specified in this subsection.

(b) GAO shall take such measures as it deems necessary and appropriate to conduct reviews for clearance and to promote the purposes of (44 U.S.C. 3512), including requesting additional informa-

tion and other cooperation from the agency and directly consulting with or soliciting the views of persons affected by or having an interest in the proposal.

(c) Clearances by GAO will normally be limited to a particular period of time and shall be subject to revocation on the basis of changed circumstances or other cause.

Subpart C—Submission for Clearance

§ 10.8 General.

(a) Subject to paragraph (d) of this section, all submissions for clearance shall be made in accordance with this subpart and shall evidence compliance with all requirements thereof. Each agency shall provide GAO such additional information, assistance, or other cooperation as may be required in connection with reviews for clearance. Any failure to comply with any of the provisions or requirements of this subpart which, in the opinion of GAO, precludes complete and effective review or action upon a submission within 45 days shall justify the return of such submission to the agency without further consideration or final action.

(b) Proposals requiring clearance shall be sent to the Comptroller General of the United States, 441 G Street NW., Washington, D.C. 20548, and should include a letter of transmittal, Standard Form 83 (original and two copies), and all related documentation (three copies).

(c) The 45-day limit for clearance reviews by GAO shall commence on the day on which GAO receives a submission.

(d) GAO may in special or emergency circumstances undertake special procedures or arrangements within the general framework of this subpart for the processing of submissions for clearance.

§ 10.9 New plans or report forms.

Subject to § 10.8(d), all requests for clearance of new plans or report forms must be made in accordance with the provisions of this section:

(a) Until GAO has developed its own form, requests for clearance should be made by submitting Standard Form 83, "Clearance Request and Notice of Action," prepared in accordance with the instructions contained therein (subject to any revisions or modifications which GAO may specify), and accompanied by additional materials described in this section. Requests for clearance should be made in time to allow for adequate review and adoption of any necessary alterations (including coordination or integration with other plans and report forms) without delaying the operating program to which the plan or report form relates.

(b) Clearance should not be requested for a plan or report form until it is in final form. Therefore, the agency head should approve the plan or report form before submitting it for clearance to GAO and the letter of transmittal should so state. However, if the plan or report form for which clearance is requested is of a type for which the responsibility for

determining need, use, etc., has been delegated to a staff level within the agency, the agency's transmittal letter should include a statement that the proposed form has been processed pursuant to a delegation of authority and appropriate documentation showing such delegation should be included.

(c) Each request for clearance must include a narrative supporting statement containing detailed information, quantified where applicable, on each of the topics specified in this subsection. When a topic is not applicable to the subject request, so state, giving the reasons therefor. If the information has already been provided for the review of the preliminary plan or contract, a reference to the previous submission, with the citation, will be sufficient.

(1) *Justification.* (i) Give a full and detailed explanation of the circumstances which make the plan or report form necessary. Include identification of any legal or administrative requirements which necessitate such data collection. Where the form is used in an agency program, describe the program and indicate how this particular form fits in.

(ii) Indicate how, by whom, and for what purpose the data will be used.

(iii) Indicate specifically any similar data already available in the subject field and why it cannot be used for this purpose.

(2) *Description of survey plan.* (May be omitted for application forms and recordkeeping requirements.) (i) Give a quantified description of the potential respondent universe. Identify available mailing lists or directory sources used.

(ii) Describe the survey design and sampling or other respondent selection method to be used, as well as any plans for a pretest and techniques for handling nonresponse.

(iii) Give the name of the agency statistician or consulting statistician who reviewed and approved the statistical aspects of the survey design.

(iv) If the survey is to be made or the returns processed under a federally sponsored contract or grant, the sponsoring agency will be responsible for obtaining GAO clearance for all data collection forms or other documents. The sponsoring agency should also provide the following: Name of contractor; his role and responsibilities relating to the entire project; and the arrangement made with the contractor regarding confidentiality of collected data, disposition of completed report forms, punch cards, or tapes, etc.

(3) *Tabulation and publication plans.* (May be omitted for application forms, recordkeeping requirements, preliminary plans or contracts, and pretests.) Indicate briefly plans for publication, such as time, type, and content. A summary of the tabulation plans should accompany the request for clearance or be described briefly in the supporting statement.

(4) *Time schedule for data collection and publication.* (May be omitted for application forms, recordkeeping requirements, preliminary plans or contracts

and pretests.) Indicate the planned time schedule for the entire project, including beginning and ending collection dates, and completion of report or publication dates. Indicate the expected elapsed time between the completion of data collection and issuance of first published results.

(5) *Consultations outside the agency.*
(i) Give names of persons outside the agency with whom the proposed plan or report form was discussed and indicate the companies, organizations, or associations which they represent. Summarize any major problems on which agreement could not be reached.

(ii) Indicate the extent to which comments from such persons are reflected in the plan or report form.

(iii) Indicate the extent to which availability of records and reportability of data was learned from such persons.

(iv) Give the names and positions of officials of other Federal agencies (whether or not subject to this part) with whom the plan or report form was discussed and indicate comments these officials made regarding the present availability of the information.

(v) The agency will forward to GAO the comments made by persons and officials contacted pursuant to paragraphs (c) (5) (i) through (iv) of this section. If such comments were not written, prepare and forward a summarization of the comments.

(6) *Estimation of compliance burden.* (May be omitted for preliminary plans or contracts.) To minimize the compliance burden on persons affected and to improve governmental efficiency, each agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable needs or practical utility, either with respect to the number of respondents, frequency of collection, or number of difficulty of the items and whether all items of information to be furnished or recorded are essential to the central purpose of such plan or report form. Special consideration will be given to the burden on individuals, small business, and other organizations with limited clerical, financial management, and statistical staffs.

(i) Explain the basis used in developing the figure shown in item 15e, "Estimated average number of man-hours required per person," of Standard Form 83. Unless directed to do so, agencies need not make special surveys to obtain information on which to base estimates of compliance burden. However, informal consultation with a few persons affected, particularly in instances in which selected persons are consulted as required in paragraph (c) (5) of this section, may be desirable. Estimates may also be based on experience with a pretest or related forms. In the case of forms to be completed by individuals or households, a trial with office staff is a possible device.

(ii) In making this estimate of burden, be sure to allow for the time needed to gather and compile the data. (if not

already available) as well as clerical time needed to complete the form.

(iii) Where the compliance burden is expected to vary considerably because of differences in respondent size or complexity, show the range of such estimated burden explaining the reasons for the variation and estimate the average time per response.

(7) Estimate of cost to the Federal Government. Include an estimate of the total cost for each proposed collection of information, including planning, compiling of information, and the estimated share of overhead costs. In the case of repetitive plans or forms, calculate costs on an annual basis.

(d) Any related background documents, such as preliminary research reports or pretest results, which will illustrate the purpose or origin of the proposed plan or report form should be submitted with the proposal.

§ 10.10 Renewals or revisions of existing plans and report forms.

(a) (1) Forms with clearance expiring. Proposals for renewal of a clearance which is about to expire must be submitted in accordance with the requirements for new plans or report forms set forth in § 10.9. Such proposals should be submitted to GAO not later than 45 days prior to the expiration date of the existing clearance.

(2) For plans or report forms for which the agency plans no revision, furnish a statement detailing the use made of previously collected information and explaining the circumstances which make continued use of the plan or report form necessary.

(3) If a change is to be made in an existing plan or report form or in the use thereof, furnish a statement explaining the extent of the revisions and the reasons therefor, and what use has been made of previously collected information.

(b) Plans or report forms revised prior to expiration of an existing clearance. Clearance is required only for revisions which are material, as explained in § 10.5

(d). Material revisions will be submitted for clearance in accordance with the requirements for new plans or report forms set forth in § 10.9. Nonmaterial revisions will be subject to § 10.5(d) (2).

§ 10.11 Notification of General Accounting Office action.

(a) If GAO determines that proposed plans or report forms are not unnecessarily duplicative or burdensome and are otherwise consistent with (44 U.S.C. 3512) and appropriate for collection of the information sought, GAO will so advise the agency, assign a clearance number, and prescribe an expiration date. The GAO clearance number, or a statement denoting GAO clearance, must appear prominently on the report form or in the reporting or recordkeeping requirement. (Where GAO clearance is granted for renewal without revision of a report form or other document bearing a reference to clearance by OMB, the agency may exhaust existing stocks

of such form or document; but any republication thereof shall contain the GAO clearance number.)

(b) If GAO determines that proposed plans or report forms fail to meet any of the criteria referred to in paragraph (a) of this section, GAO shall advise the agency of such determination and the reasons therefor, and will not issue a clearance number.

[FR Doc. 74-3331 Filed 2-8-74; 8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Part 2201]

INFORMAL PROCEEDINGS

Proposed Rulemaking

Correction

In FR Doc. 74-3002, appearing on page 4764 of the February 6, 1974 issue, the headings should read as set forth above.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release Nos. 34-10612, SIPA-9]

BROKER-DEALER REPORTS AND

REGISTRATION REQUIREMENTS

Program of Implementation

Announcement of a program of implementation regarding the "SEC Advisory Committee study on broker-dealer reports and registration requirements" and notice of proposals to adopt rule 17a-18 under the Securities Exchange Act of 1934 and rule 17a-19 and related form X-17A-19 under the Securities Exchange Act of 1934 (File Nos. S7-506, S7-507 and S7-508).

The Securities and Exchange Commission today announced a major program of implementation regarding the "SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements" which was submitted to the Commission in December 1972. Among the steps announced was the solicitation of public comments regarding the development of a key regulatory report to replace a number of reports currently filed by broker-dealers with the Commission and the self-regulatory organizations; the establishment of a Report Coordinating Group under the Federal Advisory Committee Act constituted, inter alia, to advise the Commission in regard to reducing unnecessary or duplicative reporting by broker-dealers; the publication for comment of proposed rule 17a-18 [17 CFR 240.17a-18] under the Securities Exchange Act of 1934 which would require forms required by self-regulatory organizations¹ of their members to be submitted to the Commission;

¹ Hereinafter referred to as the Advisory Committee Study.

² The self-regulatory organizations are the national securities exchanges, and the registered national securities associations of which there is only one currently registered.

and the publication for comment of proposed rule 17a-19 [17 CFR 240.17a-19] and related Form X-17A-19 [17 CFR 249.635] under the Securities Exchange Act of 1934 which would require self-regulatory organizations to notify the Commission and the Securities Investor Protection Corporation ("SIPC") of changes in the membership status of any of their members. Finally, the Commission today released correspondence, reprinted below, with Michael E. Tobin, President, Midwest Stock Exchange, setting forth the Commission's position concerning the impact of the designations of principal examining authorities made by SIPC pursuant to Section 9(c) of the Securities Investor Protection Act of 1970 ("SIPC Act") on the responsibilities of the self-regulatory organizations under the Securities Exchange Act of 1934.

BACKGROUND

In September 1972, former Chairman William J. Casey announced the creation of three advisory committees to work with the Commission in a comprehensive review of the reporting and other paperwork requirements incident to rules of the Commission and those of the self-regulatory bodies in the securities industry. In December 1972, the three advisory committees submitted reports to the Commission which together provided more than 70 recommendations for reducing paperwork and increasing the value of filings.

One of these Committees, the SEC Advisory Committee on Broker-Dealer Reports and Registration Requirements, concluded that:

"* * * the present regulatory reports submitted by broker-dealers require duplication of efforts by firms and regulators. This is wasteful without necessarily serving the public interest."³

The Committee recommended a ten point program which they felt would strike a balance between appropriate regulatory needs and the ability of the securities industry to report accurate and useful information at a reasonable cost in time and manpower.⁴ Upon receipt of this Study, the Commission established a Staff Task Force to review the feasibility of the recommendations of the Committee and to present an approach to their implementation. The Staff Task Force, among other things, wrote to each of the self-regulatory organizations, SIPC and others requesting that they review the Advisory Committee Study and submit suggestions regarding a program of implementation.

While those comments were being received and analyzed, Mr. Lee A. Pickard, Director of the Division of Market Regulation of the Securities and Exchange Commission, testified before the Subcommittee on Government Regulation of the

Select Committee on Small Business of the United States Senate. In that testimony, Mr. Pickard stated:

"The securities industry is a highly regulated sector of the economy, and the responsibility for this regulation is shared by the Securities and Exchange Commission with entities which have been called 'self-regulators' * * * * * As a result of nearly 40 years under this cooperative regulation of the securities industry, * * * certain overlapping and duplicative reporting requirements have crept into existence and undoubtedly pose an unnecessary burden upon those broker-dealers subject to them.

"An effort must be made to generate substantially the same information in a concise and uniform manner from fewer reports."⁵

The Commission recognizes the need to eliminate unwarranted duplication and to provide greater uniformity in reports and forms including uniform definitions and reporting formats. Based upon the recommendations of the Advisory Committee Study, the program of implementation outlined by the Staff Task Force and suggestions received from other sources, the Commission is undertaking steps intended to achieve four substantive objectives:

1. A self-regulatory program which assures that in regard to financial responsibility and related recordkeeping a broker-dealer will be examined by and report to only one self-regulatory organization;

2. The development and implementation of a key regulatory report for use by the Commission and the industry, incorporating uniform definitions and reporting periods. The form would replace a number of forms currently in use;

3. The establishment on a continuing basis of a Report Coordinating Group under the Federal Advisory Committee Act composed of knowledgeable persons from the securities industry, the accounting and legal professions, and elsewhere to advise the Commission regarding ways of providing for long term simplification and standardization in reporting by broker-dealers, to advise the Commission on proposed new reports and forms, and to advise and assist the Commission in the development of the key regulatory report. The members of this Group will be appointed by the Commission in the near future; and

4. The completion of a program already undertaken in cooperation with the state securities administrators and others to develop a uniform form for the registration of brokers and dealers for use by the states, the Commission, and the self-regulatory organizations, and the completion of the joint securities industry effort to develop a uniform form for the registration of principals and agents.

I KEY REGULATORY REPORT

The Commission has undertaken on a priority basis the development of a key

regulatory report. The Commission believes that the development and implementation of this report is the axial step in the process of simplifying and unifying the reporting process. It is anticipated that the report will be the foundation of the reporting system and will incorporate the concept of layering whereby greater increments of detail are required as the scope and complexity of a broker-dealer's operations increase. It is also anticipated that the report will emphasize exception reporting.

As presently envisioned this report will be as broad in scope as feasible without impairing its usefulness. The Commission is specifically directing attention to replacing Form X-17A-5 [17 CFR 249.617], Form X-17A-11 [17 CFR 249.621], Form X-17A-10 [17 CFR 249.618], other annual income and expense reports, NASD Form Q, and the Joint Regulatory Report with the key regulatory report.

The Commission has solicited the comments of the self-regulatory organizations and SIPC regarding the content and format of the key regulatory report. In the coming months the Commission expects to seek the advice of the Report Coordinating Group. Finally, the Commission will release the key regulatory report for public comment. Interested persons who believe they have comments in regard to the proposed key regulatory report which will be useful at the formative stage, however, are welcome to submit their comments in writing at this time.

II PROPOSED RULE 17a-18

It is apparent that to develop the key regulatory report as well as to accomplish the other objectives of the Commission set forth above, it is essential that the Commission have in its possession and subject to its review all reports, forms, questionnaires and similar reporting documents required of broker-dealers. The self-regulatory organizations have voluntarily agreed to supply all reports, forms and questionnaires presently in use and many of these have already been provided to the Commission. In regard to new forms, reports and questionnaires or substantive modifications of existing ones hereafter proposed, the Commission deems it advisable to provide a formal structure for their submission and, therefore, has under consideration proposed rule 17a-18. Proposed rule 17a-18 would require every national securities exchange and every registered national securities association to hereafter file with the Commission each proposed new form, report, questionnaire or similar document (collectively referred to hereinafter as forms) or any substantive amendment to, or substantive modification of an existing form which it requires of its members or any class of members⁶ whether on a regular, one-time or for-cause basis. Each new or amended form would be required to be

³ Transmittal letter submitting the "SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements," p. 2.

⁴ "SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements," p. 1.

⁵ Hearings Before the Subcommittee on Government Regulation of the Select Committee on Small Business of the United States Senate, July 12, 1973, pp. 1475 and 1480.

⁶ For example, specialists or members which carry customers' accounts. The use of the term members includes member organizations.

filed with the Commission five weeks prior to its anticipated use. The rule specifically provides that in emergency circumstances a new or amended form may be filed with as much notice as circumstances permit, but must be accompanied by a written statement of the reason why timely filing was impractical. If any substantive change is made in a new or amended form after such form is filed with the Commission a new five week period would commence to run at the time the Commission receives notification of such change unless the change is made in conformity with a suggestion made by the Commission.

The rule provides that the failure to file as required would not affect the validity of any form or the validity of any action or omission to act by an exchange or association pursuant to and in connection with the form.

The Commission expects rule 17a-18 to serve objectives beyond subjecting proposed new forms or substantive revisions of existing forms to review and comment by the Commission. It would also serve as a data gathering and general monitoring device. Where filings are routine or do not appear to involve problems of duplication or significant questions of public policy, the proposed new form or modification of an existing form would not be commented upon by the Commission. At the same time, it is anticipated that all forms would be submitted to the Report Coordinating Group and would become part of the data base to which the Group would address itself.

It should be noted that nothing in the rule would be deemed to affect the obligations of an exchange pursuant to rule 17a-8 [17 CFR 240.17a-8] under the Securities Exchange Act of 1934 or the obligations of an association under Section 15A(j) of the Securities Exchange Act of 1934.

Commission action:

Pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt a new § 240.17a-18 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

§ 240.17a-18 Forms required by national securities exchanges and registered national securities associations of their members to be filed with the Commission.

(a) Every national securities exchange and every registered national securities association shall file with the Commission three copies of each new form, report or questionnaire or substantive modification or amendment to any existing form, report or questionnaire which it requires or proposes to require of its members or of any class of members, whether on a one time, regular, or for-cause basis, not less than 5 weeks (or such shorter period as the Commission may authorize) prior to requiring its members or any class of members to file such new or amended form, report or

questionnaire, with the exchange or association; provided, however, that under emergency circumstances such form, report or questionnaire or substantive modification or amendment need not be filed as hereinabove provided, but in such case the exchange or association shall file three copies of such form, report or questionnaire or substantive modification or amendment giving the Commission as much notice as circumstances permit, together with a written statement of the reasons why the filing of the form, report or questionnaire or substantive modification or amendment as above provided was impractical.

(b) If any change is made in a proposal after such proposal is filed with the Commission pursuant to paragraph (a) of this section, the 5 week period (or such shorter period as the Commission may authorize) will commence to run at the time the Commission receives notification of such change unless the change does not alter the substance of the proposal or the change is made in conformity with a suggestion by the Commission.

(c) The failure on the part of an exchange or association to file a new form, report or questionnaire or substantive modification or amendment to an existing form, report or questionnaire as above provided shall not affect the validity, force or effect of that form, report or questionnaire, or of any action or omission to act by the exchange or association in connection with such form, report or questionnaire.

III REPORT COORDINATING GROUP

It is the intention of the Commission to submit the filings received pursuant to rule 17a-18, if adopted, and other forms and reports to a Report Coordinating Group organized under the Federal Advisory Committee Act (86 Stat. 770 (1972)). It would be the function of this Group to review such forms, reports and questionnaires, and to provide expert advice to the Commission on such matters as uniformity of definitions and reporting formats, the extent of the anticipated administrative burden to be caused by any new form, and such other matters as may be appropriate to a program designed to streamline, unify, and improve the quality of the reporting system. The Group would advise the Commission as to areas where unnecessary or duplicative reports could appropriately be eliminated. In addition, the Group would advise the Commission on the development of a uniform state, federal, and industry form for the registration of broker-dealers and a uniform form for the registration of principals and agents.

The Group would be asked at a later date to assist in development of the proposed key regulatory report.

The Report Coordinating Group would not in any manner approve or disapprove forms, reports, questionnaires or any other matters submitted to it. Rather, it would act solely in an advisory capacity to the Commission.

The Group will be composed of 13 persons who will be named by the Commission in the near future.

The Group is constituted as an advisory committee under the Federal Advisory Committee Act and copies of its Charter will be filed in conformity with the Act. A copy also will be supplied to the Commission's Office of Public Information and will be available for public inspection.

IV POSITION OF THE COMMISSION CONCERNING THE IMPACT OF THE SIPC DESIGNATIONS ON RESPONSIBILITIES OF THE SELF-REGULATORY ORGANIZATIONS

Section 9(c) of the SIPC Act, provides, in part,

"Inspections.—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, SIPC shall designate one of such self-regulatory organizations to inspect or examine such member of SIPC for compliance with applicable financial responsibility rules."

Earlier this year, pursuant to this section, SIPC designated an examining authority for each member of SIPC which is a member of more than one self-regulatory organization, effective June 30, 1973. The Midwest Stock Exchange at that time raised the question of whether a non-designated exchange would be in derogation of its responsibilities under the Securities Exchange Act of 1934 if it deferred, in regard to examinations for financial responsibility, to the designated examining authority in any particular case. As a matter of statutory interpretation of the SIPC Act and interpretation of Congressional intent, as well as from a public policy standpoint, the Commission believes that there should be established a system whereby, in regard to financial responsibility and recordkeeping, a broker-dealer would be examined by and report to a single self-regulatory organization⁷ which would be directly subject to oversight review by the Commission. Accordingly, the Commission took the position, under the circumstances described in the correspondence below, that a non-designated exchange would not be in derogation of its responsibilities under the Securities Exchange Act of 1934 if it deferred to the designated self-regulatory body in any particular case for examination in regard to applicable financial responsibility rules which in the opinion of the Commission includes related recordkeeping rules. The Commission is of the opinion that, while the matter was not addressed in this correspondence, a registered national securities association also would not be in derogation of its responsibilities under Section 15A of the Securities Exchange Act of 1934 under similar circumstances and conditions.

⁷ Which, in the case of members of more than one self-regulatory organization would be the organization designated as principal examining authority by SIPC.

It should be carefully noted that the present interpretation reaches only the question of inspection and examination in regard to "applicable financial responsibility rules" (as described in the correspondence) and related recordkeeping. Moreover, it in no way relieves a non-designated exchange or association of the duty to take appropriate action—including the notification of the SIPC-designated examining authority, SIPC, and the Commission—of facts within its knowledge or of which it reasonably should be aware, because of its other responsibilities, which indicate a failure of a member firm to comply with applicable financial responsibility rules.

Text of the Correspondence:

COMMISSIONER HUGH F. OWENS,
Securities and Exchange Commission,
500 North Capitol Street,
Washington, D.C. 20549.

DEAR MR. OWENS: As you know, the Securities Investor Protection Corporation (SIPC) has been engaged in a review of the problems presented by the directive to SIPC embodied in section 9(c) of the 1970 Securities Investor Protection Act.

We concur with the concept of designating examining authorities as described in SIPC's most recent letter to the various regulatory bodies on May 24, 1973. Moreover, to the extent feasible, we believe duplicatory examinations of broker-dealers should be discontinued. However, a major concern of ours is whether such action would be consistent with the requirements set forth in the Securities Exchange Act of 1934, and the related questions concerning potential civil liability. Based on this query, we request confirmation of the fact that a self-regulatory organization which does not examine a member firm for compliance with its financial responsibility rules but rather, defers for this purpose to another self-regulatory organization which has been designated as examining authority for this particular dual member would not, by this reliance, be in derogation of its responsibilities under the [Securities Exchange] Act.

Since SIPC desires to institute its program July 1st of this year, we would appreciate your response as soon as possible. Thank you for your consideration.

Respectfully yours,

MICHAEL E. TOBIN,
President.

MICHAEL E. TOBIN, President,
Midwest Stock Exchange, Inc.,
120 South LaSalle Street,
Chicago, Illinois 60603.

DEAR MR. TOBIN: This is in response to your letter of June 25, 1973, concerning designations by the Securities Investor Protection Corporation ("SIPC") pursuant to Securities Investor Protection Act ("SIPA") Section 9(c), 15 U.S.C. 78iii(c). Under that section, SIPC is authorized to designate one self-regulatory organization to inspect or examine a SIPC member for compliance with applicable financial responsibility rules if the SIPC member is a member of more than one self-regulatory organization.

In your letter, you inquire whether an exchange which is not designated by SIPC as the examining authority for a particular member firm would be in derogation of its responsibilities under the Securities Exchange Act of 1934, presumably Sections 6 and 19 of that Act, 15 U.S.C. 78f and 78s, if it deferred to, and relied upon, the SIPC-designated examining authority to determine compliance by the examined member with all applicable financial responsibility rules:

In this context, as you know, the term "financial responsibility rules," a term contained in Section 9(c) of SIPA, is defined in Section 12(2) of that Act, 15 U.S.C. 78iii(2), to mean the "rules and regulations pertaining to financial responsibility and related practices which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c) (3) of Section 15 of the [Securities Exchange] Act or prescribed by a national securities exchange."

As you are aware, Section 6(b) of the Securities Exchange Act, 15 U.S.C. 78f(b), requires that an exchange's rules provide for the enforcement of "just and equitable principles of trade" as well as the provisions of, and the rules promulgated under, the Securities Exchange Act. These would include appropriate standards for determining the financial responsibility of members. Similarly, Section 19(a) (1) of that Act, 15 U.S.C. 78o(a) (1), authorizes the Commission to suspend or withdraw the registration of an exchange that fails to enforce the provisions of the Act and the rules promulgated thereunder.

Section 2 of SIPA, 15 U.S.C. 78bbb, provides generally that "the provisions of the Securities Exchange Act . . . apply as if [SIPA] constituted an amendment to, and was included as a section of, such Act." In our view, the effect of Sections 2 and 9 of SIPA is to modify, to the extent herein discussed, the provisions of Sections 6 and 19(a) (1) of the Securities Exchange Act.

Thus, in adopting SIPA, Congress sought to provide a procedure for assuring that, for each member of SIPC, only one self-regulatory body would be responsible for collecting SIPC assessments and inspecting the SIPC member for compliance with applicable financial responsibility rules. In this manner, Congress intended to eliminate, to the maximum extent possible, any duplication of effort among the self-regulatory bodies. Accordingly, the Midwest Stock Exchange would not be in derogation of its responsibilities under Sections 6 and 19(a) (1) of the Securities Exchange Act if it should defer to the SIPC-designated examining authority for the examination of certain members for compliance with financial responsibility rules.

You should be aware, however, that the fact that certain Midwest Stock Exchange members might be examined by another self-regulatory body designated by SIPC does not relieve that exchange of its duty to take appropriate action—including the notification of the SIPC-designated examining authority, SIPC, and the Commission—with respect to any facts within its knowledge, or with respect to any facts of which it reasonably should be aware, because of its other responsibilities, which indicate a failure of a member firm to comply with applicable financial responsibility rules.

Sincerely,

RAY GARRETT, Jr.,
Chairman.

V. PROPOSED RULE 17a-19

Because the Commission believes that in regard to financial responsibility and related recordkeeping a broker-dealer should be examined by and report to only one self-regulatory organization, it is essential that any change in membership status which may affect a firm's relationship with its SIPC-designated examining authority or any other self-regulatory organization of which it is a member be brought promptly to the attention of the Commission and SIPC, in order that SIPC may promptly assess whether alteration of its designation of a principal examining authority under section 9(c)

all applicable financial responsibility rules of the SIPC Act may be appropriate.

Accordingly, as previously noted, the Commission has under consideration proposed rule 17a-19 and related form X-17A-19 under the Securities Exchange Act of 1934. The proposed rule would require each national securities exchange and each registered national securities association promptly upon the happening of certain changes in the membership status of any of its members* or upon learning that such changes will occur, to file with the Commission and SIPC a Form X-17A-19 which is divided into two parts.⁹ The changes in status are initiation, suspension or termination¹⁰ of membership, or any other similar change in status which affects the firm's relationship with the self-regulatory organization. The form requires the self-regulatory organization to identify the firm, the nature of the membership change and its effective date, and to give a brief description of the change. If such change is a suspension or termination of membership (which will frequently entail a redesignation of the principal examining authority), the form requires information regarding the identity of the current designated examining authority for the firm, whether the filing self-regulatory organization had the firm under closer than normal surveillance, the date of the last examination undergone by the firm, and whether the firm is being dissolved or liquidated. If the action is a new membership, the form requires information regarding the examination cycle code to be assigned to the firm by the self-regulatory organization. If membership will continue, the form inquires whether the examination cycle code will be changed by the self-regulatory organization.

Nothing in this rule would be deemed to exempt any national securities exchange from the requirements of paragraph (4) of rule 17a-5(j) [17 CFR 240.17a.5(j)(4)] under the Securities Exchange Act of 1934, which requires exchanges to file reports concerning members which cease to be in good standing. If an exchange files with the Commission a Form X-17A-19 promptly, however, and such form includes, inter alia, sufficient information to satisfy the requirements of paragraph (4) of rule 17a-5(j), the exchange would not be required to file separately under paragraph (4). It is anticipated that the need for paragraph (4) of rule 17a-5(j) would be reconsidered after rule 17a-19 becomes effective. Because of the sensitive nature of the information reported on Part II of Form X-17A-19 the Commission is of the opinion that the information submitted on Part II would be regarded as information exempt from public disclosure under the

*The use of the term members includes member organizations.

⁹ Part II of the Form, which is non-public, contains the information with respect to firms which were under closer than normal surveillance and which will be terminated or suspended, and the information regarding the filing self-regulatory organization's examination frequency cycle for certain firms.

¹⁰ Termination includes, among other things, resignation, withdrawal and expulsion.

Freedom of Information Act (5 U.S.C. 552(b)).

Commission action: Pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt new §§ 240.17a-19 and 249.635, and to reserve § 249.634 for future use, in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-19 Reports by national securities exchanges and registered national securities associations of changes in membership status of any of their members.

Every national securities exchange and every registered national securities association shall file with the Commission and the Securities Investor Protection Corporation such information as is required by § 249.635 of this chapter on Form X-17A-19 promptly upon the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any of its members (unless a notice of such event previously has been filed) or promptly upon learning that one or more of such events will occur. Nothing in this section shall be deemed to relieve a national securities exchange of its responsibilities under paragraph (4) of § 240.17a-5(j) of this chapter except that to the extent a national securities exchange promptly files a Form X-17A-19 including therewith, inter alia, information sufficient to satisfy the requirements of Paragraph (4) of § 240.17a-5(j), it shall not be required to file under § 240.17a-5(j).

§ 249.634 [Reserved]

§ 249.635 Form X-17A-19 Report by national securities exchanges and registered national securities associations of changes in the membership status of any of their members.

This form shall be completed and filed by each national securities exchange or registered national securities association as required by § 240.17a-19 of this chapter promptly upon the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any of its members (unless a notice of such event previously has been filed) or promptly upon learning that one or more of such events will occur.

Copies of Form X-17A-19 have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

VI UNIFORM REGISTRATION FORMS

The Commission wishes to take note of efforts currently underway to prepare a uniform state, federal and industry form for the registration of broker-dealers¹¹ and a uniform form for the registration

¹¹ Drafted by a Committee composed of representatives of the North American Securities Administrators, the National Association of Securities Dealers, Inc., the Securities Industry Association, the Commission and others.

of principals and agents.¹² Drafts of these forms are currently under review by the Commission and will be brought to the attention of the Report Coordinating Group. The Commission believes that the development and implementation of such uniform forms on a wide scale would be significant in enhancing the flow within the securities industry of information needed for regulatory purposes while at the same time alleviating a substantial and particularly duplicative paperwork burden imposed on broker-dealers registered with more than one organization or state.

Conclusion: Interested persons may submit their comments on proposed rule

¹² Drafted as a joint industry effort among the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers, other self-regulators and the Commission.

17a-18 or on proposed rule 17a-19 and related Form X-17A-19, in writing, by March 29, 1974 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. All such communications should bear File No. S7-506, or S7-507, respectively, and will be available for public inspection.

Interested persons may submit their comments on the development of a key regulatory report to George A. Fitzsimmons, Secretary, at the address noted above not later than March 29, 1974. All such communications should bear the File No. S7-508 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 24, 1974.

FORM X-17A-19

INFORMATION REQUIRED OF NATIONAL SECURITIES EXCHANGES AND REGISTERED NATIONAL SECURITIES ASSOCIATIONS PURSUANT TO SECTION 19 OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULE 17a-19 THEREUNDER

REPORT OF CHANGE IN MEMBERSHIP STATUS

General Instructions

1. This form shall be completed and filed upon learning that one or more of the changes in membership status listed in Item 3 of Part I of this Form will occur. If the information first becomes available after the change in membership status has occurred the form shall be completed and filed promptly.

2. Original: Mail to: Securities and Exchange Commission, Division of Market Regulation, 500 North Capitol Street NW., Washington, D.C. 20549.

Copy No. 1—Mail to: Securities Investor Protection Corporation, Farragut Building—Suite 800, 900 17th Street NW., Washington, D.C. 20006.

Copy No. 2—Retain for your files.

3. The original filed with the Securities and Exchange Commission and the copy filed with the Securities Investor Protection Corporation shall be executed with a manual signature by a duly authorized official of the national securities exchange or registered national securities association (self-regulatory organization).

4. If the space provided in the Form for an answer to any Item is insufficient, the answer may be printed or typed on a separate insert page or pages which shall be incorporated into the statement by reference thereto in the space provided for the Item.

5. If any Item of the Form is inapplicable, a statement to that effect shall be made following the Item.

6. Copies of this Form may be obtained from the main office of the Securities and Exchange Commission in Washington, D.C.

7. Part II of this Form is non-public and shall be completed by the filing self-regulatory organization, if applicable.

PART I

1. Identify the Self-Regulatory Organization filing this report.
() ASE () BSE () CBOE () MSE () NASD () NYSE
() PSE () PBW () Other

2. Provide the following information concerning the subject firm prior to the change in membership status indicated in Item 3 below.

(a) Name _____

(b) SEC File No. 8-_____

(c) Address of Principal Place of Business _____

(Number and Street)

(City)

(State)

(Zip Code)

(d) The SIPC-designated examining authority and collection agent prior to the change in membership status is: _____

(e) Memberships of the subject firm prior to the change in membership status.

() ASE () BSE () CBOE () MSE () NASD () NYSE
() PSE () PBW () Other

(f) Indicate whether the firm is a parent [] or subsidiary [] of another broker-dealer and with respect to such other broker-dealer provide the following information:

Name _____

SEC File No. 8-_____

Address of Principal Place of Business _____

(Number and Street)

(City)

(State)

(Zip Code)

[17 CFR Parts 270, 275]

[Release Nos. IA-399, IC-8216; File No. 4-149]

VARIABLE LIFE INSURANCE
Notice of Proposed Rulemaking

Notice of (1) public hearing to receive additional comments on proposed amendments to rule 3c-4 under the Investment Company Act and to rule 202-1 under the Investment Advisers Act; (2) proposed rulemaking proceeding to determine, pursuant to the proposed amendments, if adopted, whether the model variable life insurance regulation adopted by the NAIC provides investor protections substantially equivalent to those relevant protections provided by the Investment Company Act and Investment Advisers Act; and (3) public hearing with respect to such rulemaking proceeding.

Notice is hereby given that a public hearing will be conducted for the purpose of receiving oral and further written comments on proposed amendments to rule 3c-4 (17 CFR 270.3 c-4) under the Investment Company Act of 1940 and rule 202-1 (17 CFR 275.202-1) under the Investment Advisers Act of 1940 (hereinafter together referred to as the rules). (See Investment Company Act Release No. 8000) (38 FR 26816). If adopted, the amendments would condition the exemptions afforded by Rules to certain variable life insurance (VLI) separate accounts and their insurance company advisers upon a prior Commission determination, by rule or order, that the laws and regulations of states in which the variable life insurance contracts will be sold, provide protections substantially equivalent to relevant protections afforded investors by the Investment Company and Investment Advisers Act (Acts) (15 U.S.C. 80a-1 et seq., 80b-1 et seq.). Comments will also be received on the Model Variable Life Insurance Regulation (Model) recently adopted by the National Association of Insurance Commissioners (NAIC), so that in the event the amendments are adopted, the Commission may determine whether the Model provides investor protections substantially equivalent to those relevant protections provided by the Acts.

On January 31, 1973, the Commission adopted rule 3c-4 under the Investment Company Act and rule 202-1 under the Investment Advisers Act. (Investment Company Act Release No. 7644 (38 FR 26816).) The Rules exempt specified types of variable life insurance separate accounts and their insurance company advisers from the Acts. In the release accompanying adoption of the rules, the Commission expressed its intention to closely monitor developments in state regulation of variable life insurance, and stated that it might modify or rescind the rules if it found substantial deficiencies that were not likely to be remedied. On September 20, 1973, the Commission expressed a concern that variable life

3. The contemplated change in membership with the reporting self-regulatory organization is:

- a. Termination of membership
- b. Suspension of membership
- c. New membership
- d. Other change in membership status

Give a brief description of said change: _____

e. Describe any changes of which you are aware in this firm's membership or membership status with other self-regulatory organizations: _____

f. The effective date of the change is _____

4. If the change in membership status is termination or suspension of membership, provide the following information:

a. What was the date of last examination by the self-regulatory organization filing this report? _____

(Date)

b. If the last examination was performed by any other regulatory or self-regulatory organization, provide the date of the examination and name of the examining organization, where available.

(Date)

(Examining Organization)

c. Is the firm being dissolved or liquidated?

- yes
- no

5. Signature of Person Completing Report: _____

Title and Date: _____

Person to Contact for Additional Information: _____

Telephone Number: _____

(Area Code)

(Number)

SEC Form No. X-17A-19

<p>Reserved for SIPC</p> <p>6. Designated examining authority is: <input type="checkbox"/> ASE <input type="checkbox"/> MSE <input type="checkbox"/> PBW <input type="checkbox"/> BSE <input type="checkbox"/> NASD <input type="checkbox"/> PSE <input type="checkbox"/> CBOE <input type="checkbox"/> NYSE <input type="checkbox"/> OTHER</p> <p><input type="checkbox"/> This designation has not been changed <input type="checkbox"/> This designation is changed from _____ to _____</p> <p>The effective date of the change is _____</p> <p>7. Copies of this Form are being sent to the SEC and <input type="checkbox"/> ASE <input type="checkbox"/> BSE <input type="checkbox"/> CBOE <input type="checkbox"/> MSE <input type="checkbox"/> NASD <input type="checkbox"/> NYSE <input type="checkbox"/> PBW <input type="checkbox"/> PSE <input type="checkbox"/> OTHER</p>	<p><i>Do Not Complete</i></p>
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If a new examining authority is designated by SIPC, that examining authority and all other self-regulatory organizations of which the firm is a member will be notified by SIPC promptly.

PART II

1. If the change in membership status is termination or suspension of membership, provide the following information.

a. Was the firm on closer than normal surveillance prior to termination or suspension?

- yes
- no

b. If answer to Item a is yes, provide complete details.

2. Examination Frequency Cycle

a. New Membership

If the action taken is initiation of membership what will the examination frequency cycle for this new member by this self-regulatory organization be?

- A One examination every year or more frequently.
- B One examination every two years.
- C One examination every three years.

b. Continuing Membership

If the examination frequency cycle for a continuing member will change by virtue of changes in its memberships, please indicate the new examination frequency cycle.

- A One examination every year or more frequently.
- B One examination every two years.
- C One examination every three years.

3. Signature of Person Completing Report: _____

Title and Date: _____

Person to Contact for Additional Information: _____

Telephone Number: _____

(Area Code)

(Number)

[FR Doc.74-3292 Filed 2-8-74;8:45 am]

insurance contracts might be sold in some states prior to the adoption of substantially equivalent regulations. To prevent this situation, it proposed amendments to rules 3c-4 and 202-1, which, if adopted, would condition the availability of the exemptions afforded by the rules upon a specific determination by the Commission that applicable state laws and regulations provide protections substantially equivalent to relevant protections afforded investors by the Acts. The proposed amendment to rule 3c-4 would add a new paragraph (c), which reads as follows:

For the purpose of paragraph (b)(4) of this rule, "Regulation under the insurance laws of any State" shall mean laws, rules or regulations which the Commission shall have determined, by rule or order, provide for investor protections substantially equivalent to those which are provided by the Investment Company Act of 1940, with respect to (1) the valuation of portfolio securities in a uniform manner; (2) the annual reporting to contractholders of information similar in nature to the information that would be provided by a registered investment company to its shareholders through annual reports and proxy statements; (3) prohibitions against unauthorized or improper changes in investment policies; (4) protection against excessive management fees, administrative fees and sales charges; and (5) protections similar to those afforded by section 17 of the Act relating to transactions with affiliates.

The amendment was proposed pursuant to authority granted in sections 6(c) and 38(a) of the Investment Company Act (15 U.S.C. 80a-6(c), 80b-6(a), 80b-11(a)). The release also invited comment on the appropriateness of including eleven additional areas of protection in the rule, as well as any other areas that might be deemed relevant to VLI purchasers. The eleven specified areas were:

(1) Protection against unfair contract provisions with respect to redemption of contractholder interests; (2) protections relating to insider trading with respect to portfolio securities; (3) protections against improper lending of the separate account's assets to controlling persons or persons under common control with the separate account; (4) prohibitions against breaches of fiduciary duty involving personal misconduct and against larceny and embezzlement; (5) provision for written advisory contracts; (6) prohibitions against persons serving as employees of such insurance companies in connection with the operation of the separate account who have been convicted of certain crimes or who have willfully violated the federal securities laws; (7) provision for custodianship of cash and portfolio securities of the separate account and bonding of persons with access to such cash and securities; (8) provisions relating to the capacity of the separate account to invest in investment companies, insurance companies, broker-dealers, underwriters and investment advisers; (9) provision for independent review of the operations of the separate account, by a state insurance commissioner or otherwise, similar to that provided by directors of a registered investment company; (10) provision for review of the financial statements of the separate account by independent certified public accountants; and (11) private rights of action with respect to such investor protection provisions for contractholders.

The proposed amendment to rule 202-1 would be adopted pursuant to authority granted in sections 202(a)(11), 206A and 211(a) of the Investment Advisers Act (15 U.S.C., 80b-2(a), 80b-11(a)) and would read as follows (omission bracketed, new language in italics):

The term "investment adviser," in section 202(a)(11) of the Act, shall not include an insurance company, or any affiliated company thereof as defined in Section 2(a)(2) of the Investment Company Act of 1940, to the extent that the performance of advisory services is incidental to the conduct of the business of issuing any variable life insurance policy, as defined in Rule 3c-4 under the Investment Company Act of 1940, [and of] or of issuing any interest or participation in a separate account, as referred to in said Rule, issued in connection with such a policy, *provided that the laws, rules or regulations of each state in which such policies or interests are offered shall provide investor protections which the Commission shall have determined by rule or order, are substantially equivalent to relevant protections provided by the Investment Advisers Act.*

Comments were also invited as to the appropriateness of including in the rule five specific areas of protections:

(1) Prohibitions against persons who have committed certain crimes or violations of the federal securities laws from acting as investment advisers of variable life insurance separate accounts or as associated persons of such advisers; (2) prohibitions against the payment of unfair or inequitable advisory fees; and (3) provisions for adequate recordkeeping; (4) prohibitions against fraudulent and improper conduct; and (5) private rights of action with respect to such investor protection provisions for contractholders.

The Commission received 12 letters of comment on the proposed amendments to the rules. The comments raise a number of important issues which should be further developed through additional written and oral presentations by interested persons. Specifically, the Commission is most interested in further comment with respect to the following issues:¹

1. Should rules 3c-4 and 202-1 be amended so that the exemptions are conditioned upon a prior determination by the Commission that state regulations provide protections substantially equivalent to relevant protections under the Acts?

2. If the rules are amended as proposed in Investment Company Act Release No. 8000, should they refer to specific areas of protection that are relevant to purchasers of variable life insurance? In considering this question, commentators should consider what areas, if any, should be specifically enumerated and describe why such protections will be relevant to the purchasers of VLI contracts. Comments should also discuss whether inclusion of specific areas will reduce the ability of state insurance regulators to deal flexibly with potential problems.

3. It is likely that the states will adopt regulations which differ in important respects from the NAIC Model and if so, will the Commission find it necessary to make more than one determination pursuant to the amended rules?

4. If the rules are amended as proposed, would monitoring of state regulation be necessary, and if so how can it be carried out?

¹ Comments on other relevant matters will, of course, also be considered.

If the rules are not amended, what type of monitoring should the Commission undertake? In either event, would monitoring adversely affect the flexibility and administrative discretion of state regulators?

5. To what extent should the availability of the exemptions depend upon the manner in which individual states administer and enforce their variable life insurance regulations?

6. If the rules are not amended as proposed, should the Commission take steps to ensure that VLI contracts are not sold before adequate protections are available to investors? If so, what steps should be taken?

In December 1973, the NAIC adopted a Model Variable Life Insurance Regulation, which includes many of the areas of protection referred to by the Commission in earlier releases. For example, the Model includes limitations on fees charged for investment management, and provisions for review of material changes in investment policy and of transactions involving the separate account and its affiliated persons.² In Investment Company Act Release No. 8000 the Commission indicated that such a model regulation might enable it to reach a single determination with respect to the adequacy of protections afforded by state insurance law. Therefore, the Commission now requests comment on the following questions with respect to the Model:

1. Will the provisions of the Model Regulation provide protections substantially equivalent to relevant protections under the Acts? In responding to this question commentators should consider particularly the areas enumerated in Investment Company Act Release No. 8000.

2. Under the Model Regulation, will discretionary matters, including exemptions granted by a state administrator, be considered de novo in other states?

Based upon its review of written comments already submitted with respect to proposed amendments to rules 3c-4 and 202-1, the Commission has determined that it would be appropriate to seek further comments on whether and in what form the amendments should be adopted; and, if the amendments are not adopted, whether other regulatory action should be taken to ensure the full protection of purchasers of variable life insurance. If the Commission determines to adopt the amendments, it may simultaneously determine pursuant to the Rules, as amended, whether the Model Regulation conforms to the standards required therein.

Accordingly, the Commission has determined, pursuant to sections 6(c) and 38(a) of the Investment Company Act,

² Copies of the NAIC Model Variable Life Insurance Regulation have been filed with the Office of the Federal Register, and copies may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549, Attention: Division of Investment Management Regulation. In addition, a copy of the Model Regulation is available for inspection at the Public Reference Office of the Commission at 1100 L Street, NW., Washington, D.C. and at any of the Commission's Regional and Branch Offices.

sections 202(a)(11), 206A and 211(a) of the Investment Advisers Act, and rule 4(b) of the rules of practice of the Commission, that a public rulemaking hearing be held to receive comments with respect to the proposed amendments, and possible alternative action if the amendments are not adopted, and that a rulemaking proceeding and public hearing be held so that the Commission, in the event that the amendments are adopted, may determine whether the Model provides investor protections substantially equivalent to those relevant protections provided by the Acts.

It is ordered. That the public hearing on these matters shall commence on March 4, 1974 at 10:00 a.m. e.d.t. in Room 776 at the Headquarters Office of the Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Interested persons wishing to make oral statements of their views relating to the matters described above, may do so by submitting five copies of a written text of such statements to the Secretary of the Commission no later than February 25, 1974.

Thereafter, the Commission will notify all persons requesting an opportunity to make oral statements of the date and amount of time to be allocated therefor. Oral statements shall be limited to 30 minutes each, although persons desiring additional time may request a specified additional amount of time and accompany their request with an explanation of their need for additional time. The text of oral statements will be placed in the Commission's public file. Persons making oral presentations should be prepared to respond to inquiries from the Commission and the staff.

Interested persons may submit to the staff questions which they wish to have asked or persons making oral presentations. Such questions should be submitted no later than February 28, 1974, to Allan S. Mostoff, Director, Division of Investment Management Regulation.

Written comments submitted without request for oral presentation must be received by the Secretary no later than February 25, 1974. These comments also will be placed in the public file.

By the Commission.

JANUARY 31, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3291 Filed 2-8-74; 8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 2]

CHIEF BENEFITS DIRECTOR

Delegations of Authority

This change to § 2.6(b)(1) is designed to clarify the scope of the delegation

of authority to the Chief Benefits Director to indicate that it does not include contract appeals.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 13, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of final approval.

In § 2.6, paragraph (b)(1) is amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

(b) *Department of Veterans Benefits—*
(1) *General.* The Chief Benefits Director is delegated authority to act on all matters assigned to the Department of Veterans Benefits except as provided in § 1.771 of this chapter and to authorize supervisory or adjudicative personnel within his jurisdiction to perform such functions as may be assigned.

Approved: February 5, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-3353 Filed 2-8-74; 8:45 am]

[38 CFR Part 17]

MEDICAL BENEFITS

Limitations on Use of Public or Private Hospitals

It is proposed to amend § 17.50c to implement section 601(4)(C), title 38, United States Code, as amended by section 101(a), Pub. L. 93-82 (87 Stat. 179) pertaining to utilization of public and private hospitals for treatment of a service-connected disability or disability for which discharged. This proposed amendment will provide that public and private hospitals may be utilized for the

care of certain eligible veterans for the treatment of nonemergent conditions when Veterans Administration facilities are not feasibly available.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 13, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed that, if adopted, the regulation will be effective September 1, 1973.

Section 17.50c is revised to read as follows:

§ 17.50c Limitations on use of public or private hospitals.

The admission of any patient to a private or public hospital at Veterans Administration expense will only be authorized if a Veterans Administration hospital or other Federal facility to which the patient would otherwise be eligible for admission is not feasibly available. A Veterans Administration facility may be considered as not feasibly available when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required makes it necessary or economically advisable to use public or private facilities. In those instances where care in public or private hospitals at Veterans Administration expense is authorized because a Veterans Administration or other Federal facility was not feasibly available, as defined in this section, the authorization will be continued after admission only for the period of time required to stabilize or improve the patient's condition to the extent that further care is no longer required to satisfy the purpose for which it was initiated.

Approved: January 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-3354 Filed 2-8-74; 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 THE INTERIOR

Fish and Wildlife Service

Santee 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 9 a.m. on March 13, 1974, in the Conference Room, Santee State Park Headquarters, off South Carolina Highway No. 6, 3 miles east of I-95, Santee Exit, Santee, South Carolina, 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 Santee Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Santee National Wildlife Refuge, which is located in Clarendon and Berkeley Counties, South Carolina.

A study summary containing a map and information on the Santee Wilderness Proposal may be obtained from the Refuge Manager, Santee National Wildlife Refuge, Box 158, Summerton, South Carolina 29148, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

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 15, 1974.

E. V. SCHMIDT,
*Acting Director, Bureau of
Sport Fisheries and Wildlife.*

FEBRUARY 6, 1974.

[FR Doc. 74-3329 Filed 2-8-74; 8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Tuesday, February 19, 1974, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending

to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region. The members of the committee are as follows:

- Mr. Ronald H. Walker (Chairman)
Director, National Park Service
Washington, D.C.
- Mr. George M. White
Architect of the Capitol
Washington, D.C.
- General Mark W. Clark
Chairman, American Battle Monuments
Commission
Washington, D.C.
- Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.
- Mr. William H. Press
Chairman, National Capital
Planning Commission
Washington, D.C.
- Honorable Walter E. Washington
Mayor-Commissioner of the
District of Columbia
Washington, D.C.
- Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to discuss proposed memorials to be erected in the District of Columbia or its environs. The proposed memorials to be considered are:

1. H.R. Res. 343—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs.
2. S.J. Res. 45—To provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam War.

Also to be discussed is a preliminary site plan for:

1. The Peter Muhlenberg Memorial authorized under Public Resolution No. 30, approved May 2, 1928. The legislation identified a site on parkland at Connecticut Avenue, 36th and Ellicott Streets, NW., known as U.S. Reservation No. 397.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want

further information concerning the meeting may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: February 1, 1974.

ROBERT M. LANDAU,
*Liaison Officer,
Advisory Commissions.*

[FR Doc. 74-3332 Filed 2-8-74; 8:45 am]

Office of the Secretary

[INT. DES. 74-9]

Santee Wilderness Area SOUTH CAROLINA

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 Santee Wilderness Area, located in South Carolina, and invites written comments on or before March 28, 1974.

The proposal recommends that 13 islands located in Lake Marion in Clarendon County of the Santee National Wildlife Refuge be designated as wilderness within the National Wilderness Preservation System. These islands comprise approximately 163 acres. The Santee Refuge encompasses 4,340 acres of federally owned lands and 70,013 acres of lands leased from the South Carolina Public Service Authority.

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

- Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive, NE.
Atlanta, Georgia 30329
- Headquarters
Santee National Wildlife Refuge
Box 158
Summerton, South Carolina 29148
- Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2248
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, 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 En-

Environmental Coordination. Please refer to the statement number above.

Dated: February 5, 1974.

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

[FR Doc.74-3318 Filed 2-8-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PERE MARQUETTE NATIONAL SCENIC RIVER MANISTEE NATIONAL FOREST

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 and study report for the Pere Marquette River in the Manistee National Forest, USDA-FS-DES (Leg) 74-73.

The environmental statement concerns a proposal to include a 66.4 mile segment of the Pere Marquette River in the National Wild and Scenic Rivers System.

This draft environmental statement was filed with CEQ on February 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53208

USDA, Forest Service
Huron-Manistee National Forests
421 South Mitchell Street
Cadillac, Michigan 49601

A limited number of single copies are available upon request to Forest Supervisor, Huron-Manistee National Forests, 421 South Mitchell Street, Cadillac, Michigan 49601.

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.

Written 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.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Huron-Manistee National Forests, 421 South Mitchell Street, Cadillac, Michigan 49601. Written comments must be received by April 5, 1974 in order

to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

FEBRUARY 6, 1974.

[FR Doc.74-3362 Filed 2-8-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF DELAWARE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 4, 1974.

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

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

Docket number: 74-00248-33-46040. Applicant: University of Delaware, Department of Biological Sciences, Newark, Delaware 19711. Article: Two Electron Microscopes Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research objectives:

A. Morphological analysis of host-parasite interaction in blue-green algae—involving ultrastructural analysis of the interrelationship between the surface structures of algal cell walls and bacteria and viruses with which they become associated;

B. Fine structural analysis and mechanism of invasion of infectious mammalian, avian and reptilian tumor viruses—involving high resolution analysis of the interaction of virus particles with the plasma membrane of host cells.

C. Observation of ultrastructure, determination of mechanism and quantitation of micropinocytosis in capillary endothelium—involving cytochemical determination of membrane-bound enzymes (ATPase, 5' nucleotidase, adenyl cyclase) will be studied by visualizing electron-dense reaction product associated with the component structures

of the vesicles.

The article is intended to be used in teaching the courses B-617 Laboratory Techniques in Electron Microscopy and B-824 Advanced Methodology in Electron Microscopy to undergraduate Biology majors, graduate students, technicians, and postdoctoral fellows. Application received by Commissioner of Customs: December 19, 1973.

b. Determine D as a function of (time interval between pulses) at a constant temperature.

c. Determine water, fat and electrolyte composition of normal, preneoplastic and neoplastic mammary tissues.

5. Establish the important physical parameter that can be used to detect high risk lesions in human mammary cancer.

Application received by Commissioner of Customs: January 3, 1974.

Docket Number: 74-00258-33-46040. Applicant: Children's Hospital of Michigan, Detroit Medical Center, 3901 Beaubien Blvd., Detroit, Michigan 48201. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for precise histogenetic classification of monomorphic neoplasms, evaluation and further definition of cell types and organelle structure in histiocytosis X complex, evaluation of liver biopsies in infants with protracted obstructive jaundice, exclusive of extrahepatic mechanical bile duct obstructive lesions, evaluation of muscle biopsy in cases of dystrophy, atrophy and myopathy, and evaluation of percutaneous renal biopsies in order to assess more accurately the precise disorder and thereby institute appropriate therapy. Research studies include evaluation of bone marrow aspirates in cases of selected hematopoietic disorders, primarily leukemia, classification of tissue bank cell types by organelle characterization, and studies of epithelialization of burns. Application received by Commissioner of Customs: December 26, 1973.

Docket number: 74-00256-00-77030. Applicant: Baylor College of Medicine, Department of Pediatrics, Texas Medical Center, 1200 Moursund Avenue, Houston, Texas 77025. Article: Accessories to NMR Spectrometer; 1 each Spin-Lock CPS-2 and Special 7 Kilogauss Magnet. MANUFACTURER: Spin-Lock Electronics, Canada. Intended use of article: The article consists of accessories to a NMR spectrometer being used for the study and detection of malignant tissues. The main objective of the research is to measure the precise physical parameters (T₁), (T₂), and (D) of water protons in a model system and extend these observations into human mammary cancer. Specific aims of this project are as follows:

1. Measurement of T₁, T₂, and D of water protons in normal pregnant breast tissue and pre-neoplastic nodule and neoplastic tissue.

2. Determine the relaxation times and diffusion coefficient of water protons in

pre-neoplastic nodule lines with high and low tumor potentials as a function of time.

a. T_1 , T_2 , and D of water protons in pre-neoplastic nodule lines twelve weeks after transplantation.

b. T_1 , T_2 , and D of water protons in nodule lines one year after transplantation.

3. Determine T_1 and T_2 , and D of water protons on human mammary dyscrasias including benign and malignant mammary tumors.

4. Inquiry into the mechanism of the reduced water proton relaxation times and diffusion coefficient.

a. Determine T_1 , T_2 , and D as a function of temperature.

Docket number: 74-00259-33-46040. Applicant: Kean College of New Jersey, Department of Biology, Morris Avenue, Union, N.J. 07083. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research on tissues, cells, bacteria and viruses involving localizing enzymatic activity at the sub-cellular level and developing selective stains for cellular components. In addition, the article will be used in the Course Biology 4200 to prepare the student to process biological specimens for studying the ultrastructure and enzymatic activity and to understand and interpret the electron micrograph of such a specimen. Application received by Commissioner of Customs: January 2, 1974.

Docket number: 74-00260-33-90000. Applicant: Alton Ochsner Medical Foundation, 1514 Jefferson Highway, New Orleans, La. 70121. Article: EMI Scanner System Manufacturer: EMI, Limited, United Kingdom. Intended use of article: The article is intended to be used for a comparative study of the brain lesions detectable with this technique as compared with findings available from isotope brain scans and by more invasive and hazardous techniques of carotid arteriograms and pneumoencephalography. The article will also be used for educational purposes by medical students and neurosurgery, neurology, and radiology residents. Application received by Commissioner of Customs: December 27, 1973.

Docket number: 74-00262-33-40700. Applicant: The Johns Hopkins University, Departments of Oncology and Medicine, 34th and Charles Streets, Baltimore, Md. 21218. Article: Animal Irradiator, Gammacell 40. MANUFACTURER: Atomic Energy of Canada. Intended use of article: The article is intended to be used for irradiation of small animals, cells, and tissue preparations, and similar biologic samples in conjunction with tumor immunology, transplantation biology, cell biology, and biochemical virology projects. These projects are pertinent in the study of the cause, prevention and treatment of cancer. Application received by Commissioner of Customs: January 2, 1974.

Docket number: 74-00263-00-46040. Applicant: University of Illinois at

Urbana-Champaign, 223 Administration Building, Urbana, Illinois 61801. Article: 1B1102 Side Entry Goniometer Stage for Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope being used in a variety of advanced research studies including:

(1) Phase transformation studies involving mainly the precipitation of phase from interstitial alloys;

(2) Studies of precipitation and work hardening in Vanadium-carbon systems;

(3) A study of surface film formed during stress corrosion cracking;

(4) Studies of mechanical properties of intermetallic compounds and ceramic materials;

(5) Studies of ceramic materials including work on wear process in cemented carbides, the microstructure of glass and also the microstructure of the hydration products of calcium silicates, constituents of Portland Cement;

(6) A study on the effect of high intensity sound on the morphology of the organ of Corti in the inner ear; and

(7) Examination of the double-stranded segmented genome of an RNA virus (wound tumor virus) involving study of the heteroduplex morphology of renatured RNA from different isolates of the virus with a view to mapping areas of complementarity between viral genomes in the hope of locating the tumor inducing segment of the viral genome.

Application received by Commissioner of Customs: January 2, 1974.

Docket number: 74-00265-99-46040. Applicant: University of Montana, Associate Professor of Microbiology, Missoula, Montana 59801. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used primarily for educational purposes and only secondarily for biomedical research. A training program will provide classroom and laboratory instruction, as well as research experience in electron microscopy and biological ultra-structure for both graduates and undergraduates in the allied health sciences. The training program will be an integration of disciplines stretching across at least four departments by including Microbiology, Zoology, the biological aspects of Chemistry, environmental biology, plant pathology, physiology and mycology in Botany. Specific courses include: Electron Microscopy and Biological Ultrastructure and Electron Microscopy Seminar. The article will be used as a transitional instrument to bridge the gap between the light microscope and the high resolution electron microscope. Application received by Commissioner of Customs: January 3, 1974.

Docket number: 74-00266-33-46040. Applicant: Case Western Reserve University, Dept. of Pathology, 2107 Adelbert Rd., University Circle, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of

article: The article is intended to be used in an investigation of the presence and characteristics of the intranuclear particles in the endothelial and muscle cells of patients in the acute stage of dermatomyositis. Tissues will be studied by ultrastructural techniques. Correlative studies will involve virus isolations, antibody determinations, fluorescence-antibody staining, immunofluorescence, and reproduction of the disease by animal injections. Electron microscopic agglutination studies of homogenized biopsied muscle will be carried out.

The article will also be used in the course Neuropathology to prepare physicians for investigative and teaching careers in the field of neuropathology. Application received by Commissioner of Customs: January 4, 1974.

Docket number: 74-00261-33-07730. Applicant: University of Connecticut, Oral Biology, IMS Building, Storrs, Conn. 06268. Article: Searle X-ray Camera, Toroid Optics, Franks Monochromator Optics. Manufacturer: Elliott Automation Radar Systems Ltd., U.K. Intended use of article: The article is intended to be used in studies of connective tissue, bone, and dentine. The molecular structure of proteins will be investigated by high resolution wide and low-angle X-ray diffraction. The objective of these investigations will be to determine the structure of normal and pathological collagen fibrils and correlation with disease processes. Application received by Commissioner of Customs: December 28, 1973.

Docket number: 74-00267-33-46500. Applicant: Indiana University, Department of Zoology, Bloomington, Indiana 47401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, primarily ovaries and early embryos of *Drosophila melanogaster*. The principal studies involve the function of centrioles during oogenesis. During embryogenesis, two main points are being investigated: a. the ultrastructural changes that occur at fertilization, especially the origin, cytochemistry, and function of dense multivesicular bodies of the cortex; b. the genetic control of the localization of RNA in the polar granules of the germ plasm. Application received by Commissioner of Customs: January 4, 1974.

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

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

[FR Doc.74-3324 Filed 2-8-74; 8:45 am]

UNIVERSITY OF MINNESOTA ET AL.
Notice of Applications for Duty-Free Entry
of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section

6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 4, 1974.

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

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

Docket number: 74-00268-33-46500. Applicant: University of Minnesota, School of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare thin sections of infected bacteria to be examined in studies of the structure of viruses produced in infections of non-permissible bacteria with suppressor-sensitive mutants of bacteriophage $\phi 29$. Candidates for the M.S. and Ph.D. degrees in Microbiology, Genetics and Dentistry will use the instrument in thesis research. Application received by Commissioner of Customs: January 4, 1974.

Docket number: 74-00269-33-46040. Applicant: Creighton University, Boyne School of Dental Science, 2810 Webster Street, Omaha, Nebraska 68178. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in research to identify the cytological deviations which are evident clinically and experimentally as variations in the process of inflammation and repair. Experiments being carried out include:

(1) Examination of surgical specimens for quantitation of inflammatory types and qualification of activity of these cells based on number and appearance of intracellular organelles.

(2) Examination of experimental specimens which have been altered by pharmacologic methods and/or treated with specific reagents. The article will also be used for educational purposes in the course "Advanced Oral Biology" by undergraduate and graduate students.

Application received by Commissioner of Customs: January 2, 1974.

DOCKET NUMBER: 74-00270-33-46500. Applicant: University of Minnesota School of Medicine, Department of Medicine, Mayo Memorial Building, Minneapolis, Minnesota 55455. Article: Ultra-

microtome, Model LKB 8800A accessories (7800 Knifemaker and 8870 Ultrastable). Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for thin sectioning of biologic materials for electron microscopy. Blood and bone marrow from humans with various immunologic and genetic disorders will be examined by electron microscopy. These studies will include electron microscopic and cytochemical investigations. The article will also be used in the training of Ph.D. candidates and M.D. post-doctoral fellows in immunobiology. Students will become familiar with techniques of tissue processing for electron microscopy and in the use of this instrument for thin sectioning. Application received by Commissioner of Customs: January 7, 1974.

Docket Number: 74-00271-33-46500. Applicant: Medical College of Ohio at Toledo, P.O. Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning a wide variety of tissue for electron microscopic examination, utilizing many different techniques. For example: Malignant cervical tissue and primary cell cultures derived from cervical carcinoma will be examined by electron microscopy in an attempt to establish a firm relationship between this malignancy and infection with herpes simplex virus. The physical interaction of this virus with protozoan *Trichomonas vaginalis* will also be examined at the ultrastructural level to ascertain whether this is a natural means of transmission of the virus. Osteosarcoma cell lines will be examined in the electron microscope to study their role in bone formation. The article will also be used in formal courses in the techniques of electron microscopy offered to medical and graduate students of the Medical College of Ohio at Toledo, The University of Toledo, and Bowling Green State University. Application received by Commissioner of Customs: January 7, 1974.

Docket Number: 74-00272-33-46500. Applicant: Norfolk Area Medical Center Authority, Department of Anatomical Sciences, Eastern Virginia Medical School, 358 Mowbray Arch, Norfolk, Virginia 23507. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies on mammalian and avian tissues obtained from adult and embryonic animals. The objectives of these studies are to demonstrate extracellular and intercellular location of embryonic antibody-antigen complexes which have been demonstrated to produce teratogenic effects and study the ultrastructural changes in cells demonstrating these effects, and to reveal at the ultrastructural level the role of atropine and pralidoxime chloride in the alteration of distribution of acetylcholinesterase and the time sequence of their decreasing effectiveness as antidotes for organophosphate poisoning. The article

will also be used in the courses Thesis Preparation and Special Topics in Biology. These courses are to provide materials and expertise in the field of ultrastructural morphology which will enable the student to undertake and complete research projects. Application received by Commissioner of Customs: January 7, 1974.

Docket number: 74-00273-33-79500. Applicant: Lankenau Hospital, Division of Research, Lancaster & City Line Avenues, Philadelphia, Pa. 19151. Article: Three (3) Sphygmomanometers, Model O-20. Manufacturer: Hawksley-Gelman, United Kingdom. Intended use of article: The articles will be used for the monitoring of blood pressure in males, age 35-45 enrolled in the National Heart and Lung Institute program entitled Multiple Risk Factor Intervention Trial Program for the Prevention of Coronary Heart Disease. Application received by Commissioner of Customs: January 7, 1974.

Docket number: 74-00274-33-46040. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Electron Microscope, Model Elmiskop 101 with accessories. Manufacturer: Siemens AG West Germany. Intended use of article: The article is intended to be used for investigations to be conducted on (a) ultra-thin sections of normal and neoplastic tissues, predominantly human material, and (b) replicas of intact or fractured cell surfaces of the same tissues.

The two general groups of studies are:

(1) The investigation and definition of the abnormalities in leukocyte differentiation associated with leukemia, utilizing the classical methods of clinical and experimental hematology combined with modern methods of cell biology research (electron microscopy, cytochemistry, and cell fractionation procedures) to study developing leukocytes of bone marrow and blood, and

(2) Study of the alterations which occur during the phagocytosis of microorganisms by phagocytes, the broad goal being to gain a better understanding of the organization of membranes during fission-fusion. Application received by Commissioner of Customs: January 8, 1974.

Docket numbers 74-00275-33-46040. Applicant: University of Texas Medical Branch, Department of Pathology, Galveston, Texas 77550. Article: Electron Microscope, Model EM 201 with accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies on human pituitary tissue obtained from autopsies and surgical specimens. In addition, ultrastructural studies of human brain and muscles biopsies will be conducted. Sections cut with diamond knives are to be mounted on slot grids and stained with uranyl acetate and lead citrate prior to examination. High quality low magnification electron micrographs will be taken to reveal the overall configuration of cells, the degree of granularity and to permit

recognition of individual cells studied by light microscopy in the two micron thick epoxy sections. Application received by Commissioner of Customs: January 8, 1974.

Docket Number: 74-00276-33-46040. Applicant: The Hospital for Special Surgery, 535 E. 70th Street, New York, N.Y. 10021. Article: Electron Microscope, Model EM 201 with accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for research concerned with the morphology of connective tissues, particularly bone and cartilage both from normal individuals and those suffering from various degenerative and neoplastic conditions. The material properties of the tissues to be studied are an expression of the extracellular matrix, collagen, glycosaminoglycans and hydroxyapatite. These materials as well as cellular components on a submicroscopic level will be studied. The article will also be used in the courses: Bone Pathology and Anatomy; Special Bone Pathology and Anatomy courses for postgraduate studies in Orthopedics and postgraduate studies in Pathology. The technique of high resolution transmission microscopy will enhance and provide further in depth experience for the student. Application received by Commissioner of Customs: January 8, 1974.

Docket Number: 74-00278-33-46500. Applicant: Yale University School of Medicine, Pathology Department, 310 Cedar Street, New Haven, Connecticut 06510. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of biological materials, mammalian tissues obtained from laboratory animals and clinical patients which exhibit both normal and pathologic structure. The experiments to be conducted include localization of specific membrane receptor sites of different macromolecules on normal cells with similar experiments conducted on human cancer tissue. Membrane modification, receptor site mobilization and other parameters will also be investigated. The objectives pursued in the course of these investigations are to reveal at the ultrastructural level the morphological bases of macromolecular binding of substances to normal and pathologic membranes. Application received by Commissioner of Customs: January 8, 1974.

Docket number: 74-00279-33-46500. Applicant: Northwestern University Medical School, Department of Pathology, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, including tissue sections of human and mammalian organs, microbial organisms, and isolated cell fractions of cellular organelles obtained under experimental conditions. Experiments to be conducted include water and electrolyte

transport and locations in isolated organelles, calcium transport in normal and injured heart, tissue slices and microsomal and mitochondrial fractions, also heavy metal toxicity and ultramicroscopic pathology of several disease states including particularly renal glomerular disease and isolated renal tubular transport mechanisms. The latter experiments and the transport studies include autoradiographic studies of organic and inorganic molecules. Application received by Commissioner of Customs: January 8, 1974.

Docket number: 74-00280-33-46500. Applicant: University of Wisconsin—Oshkosh, Department of biology, Oshkosh, Wisconsin 54901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of plant and animal tissues. The work involves the ultrastructure of chromosomes and chromatin strands in mitosis and meiosis. Of interest is the banding patterns in polytene chromosomes of chironomid insects (midges) in order to clarify taxonomic relationships in this group. Similar studies are being applied to the mushroom genera *Agaricus*, *Hygrophorus*, and *Mucena*. These fungi banding patterns will be combined with studies of the three dimensional arrangement of the chromatin in the early stages of nuclear division. Application received by Commissioner of Customs: January 8, 1974.

Docket number: 74-00281-33-46500. Applicant: Veterans Administration Hospital, 109 Bee Street, Charleston, South Carolina 29403. Article: Ultramicrotome, Model LKB 8800A with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural and cytochemical studies of a large variety of both human and animal tissues. Some studies will also involve high resolution of cellular membranes. In addition, the article will be used in the graduate level course Introduction to Electron Microscopy in which theory of electron optics, electron diffraction, use of bright and dark field electron microscopy, and high resolution electron microscopy will be taught. Application received by Commissioner of Customs: January 8, 1974.

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

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

[FR Doc.74-3322 Filed 2-8-74; 8:45 am]

UNIVERSITY OF MINNESOTA ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act

of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR, 3892 et seq.). (See especially § 701.11(e).)

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

Docket number: 74-00128-33-46040. APPLICANT: University of Minnesota, School of Dentistry, 519 Owre Hall, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instrument NVD, The Netherlands. Intended use of article: The foreign article will be used to study the structure and morphogenesis of the small *Bacillus subtilis* bacteriophage $\phi 29$. The study is designed to define and analyze the steps involved in *in vivo* morphogenesis of this virus.

Specific aims are:

- (1) To extend, confirm and eventually complete the mapping of the $\phi 29$ genome;
- (2) To continue studies on the structure of $\phi 29$ DNA, including fractionation, analysis of transfection and gene transfer by marker rescue, and determination of the nature and extent of terminal repetition; and
- (3) To utilize the $\phi 29$ *ts* and *sus* mutants and specific DNA fragments for analysis of morphogenesis, including details of gene function, gene expression and viral assembly.

Three Ph. D. candidates will also use the article for dissertation research. Application received by Commissioner of Customs: September 20, 1973. Advice submitted by Department of Health, Education, and Welfare on: January 10, 1974. Article ordered: July 20, 1973.

Docket number: 74-00129-33-46040. Applicant: Harvard University, The Biological Laboratories, 18 Divinity Avenue, Cambridge, Mass. 02138. ARTICLE: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The objective to our research is to understand the molecular organization of biological membranes and related structure in terms which will explain their cellular function. A number of simple membrane systems and tissue culture cell membranes will be probed using a combination of electron microscopic and biochemical techniques. In order to analyze both the transverse and the lateral distribution of selected membrane components, a variety of electron microscopic methods must be used, including both standard transmission and selected area diffraction modes. Tissues prepared by negative staining, positive staining and freeze-etching will be examined and a novel combination of electron microscopic autoradiography and freeze-etching will be developed. Freeze-fracture and freeze-etching techniques together with immunochemical labelling methods will be used to study the distribution of membrane surface components

and to relate the mobility of protein and glycoprotein at membrane surface to the mobility of underlying structures in the lipid bilayer. Cells or their isolated membranes will be subject to a variety of environments, hydrolytic chemicals and other manipulations to identify the factors responsible for controlling membrane mobility or maintaining patterns of asymmetry or in-plane distribution of components during normal and abnormal growth. Application received by Commissioner of Customs: September 20, 1973. Advice submitted by Department of Health, Education, and Welfare on: January 10, 1974. Article ordered: September 10, 1973.

Docket number: 74-00130-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in several research projects including correlated studies of ultrastructure and function of human blood platelets of normal and diseased individuals, and the structural and functional correlation of reproductive organs. A program of studies of ultrastructural changes in correlation of various neurophysiological studies is also planned. The article will also be used to teach advanced graduate students and faculty where required, a course in ultrastructural interpretation entitled, "Electron Microscopy in Biology." Application received by Commissioner of Customs: September 20, 1973. Advice submitted by Department of Health, Education, and Welfare on: January 10, 1974. Article ordered: June 20, 1973.

Docket number: 74-00132-66-46040. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, Evanston, Illinois 60201. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The foreign article is intended to be used in the following research projects:

(1) Investigation of dislocation structures in fatigued metals; (2) Investigation of Atomic arrangements in transition metal monoxides and (3) Electron microscopic investigation of the structure of enzymes. Application received by Commissioner of Customs: September 20, 1973. Advice submitted by Department of Health, Education, and Welfare on: January 10, 1974. Article ordered: August 21, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which was formerly produced by

the Forjlo Corporation and is currently supplied by Adam David Company. At the time the articles were ordered the Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used at the time the articles were ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

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

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

[FR Doc.74-3323 Filed 2-8-74; 8:45 am]

Maritime Administration

[Docket No. S-405]

WATERMAN CARRIERS, INC.

Notice of Application

Notice is hereby given that Waterman Carriers, Inc., has filed an application dated January 21, 1974, for operating-differential subsidy on two (2) ore/bulk/oil carriers (to be constructed) of approximately 80,000 deadweight tons each. Said vessels will operate generally in the carriage of Canadian coal from the Vancouver area to Japan and in the carriage of crude or petroleum products from Indonesia, or bauxite or alumina from Australia to the west coast of the United States, and may be operated in other worldwide service in the carriage of liquid and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before, February 22, 1974, notify the Secretary in writing of his interest and of his position and file a petition for leave to in-

tervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: February 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-3287 Filed 2-8-74; 8:45 am]

[Docket No. S-404]

ZAPATA WESTERN SHIPHOLDINGS, INC.

Notice of Application

Notice is hereby given that Zapata Western Shipholdings, Inc. has filed an application dated January 21, 1974, for operating-differential subsidy on two (2) ore/bulk/oil carriers (to be constructed) of approximately 80,000 deadweight tons each. Said vessels will operate generally in the carriage of Canadian coal from the Vancouver area to Japan and in the carriage of crude or petroleum products from Indonesia, or bauxite or alumina from Australia to the West Coast of the United States, and may be operated in other worldwide service in the carriage of liquid and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before February 22, 1974, notify the Sec-

retary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: February 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.505, Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 74-3288 Filed 2-8-74; 8:45 am]

National Bureau of Standards 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 CS 241-61, "Aluminum Tension Window Screens." It has been determined that this standard is no longer used to any significant extent by the screen and window manufacturing industry. Therefore, its continued maintenance in the Department's voluntary product standards inventory would serve no useful purpose.

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 November 26, 1973, (38 FR 32522), to withdraw this standard.

The effective date for the withdrawal of this standard will be April 12, 1974. This withdrawal action terminates the

authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: February 5, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc. 74-3334 Filed 2-8-74; 8:45 am]

JOINT FEDERAL INFORMATION PROCESSING AND FEDERAL TELECOMMUNICATIONS STANDARDS

Procedures To Be Followed

This document sets forth procedures for the issuance of Federal standards developed jointly under the Federal Telecommunications Standards program and the Federal Information Processing Standards program. A statement of the exclusive and mutual responsibilities of the National Communications System and the National Bureau of Standards for the development of Federal standards related to data transmission and teleprocessing, upon which the document is based, is included as an appendix. The document is published herewith for the information of all concerned.

Dated: February 5, 1974.

RICHARD W. ROBERTS,
Director.

FEDERAL STANDARDS FOR WHICH THE NATIONAL BUREAU OF STANDARDS AND THE NATIONAL COMMUNICATIONS SYSTEM ARE JOINTLY RESPONSIBLE.

BACKGROUND AND PROCEDURES FOR THE IDENTIFICATION, DEVELOPMENT, COORDINATION, APPROVAL, PUBLICATION, AND DISTRIBUTION OF STANDARDS COMMON TO THE FEDERAL INFORMATION PROCESSING STANDARDS AND FEDERAL TELECOMMUNICATIONS STANDARDS PROGRAMS

REFERENCES

- Pub. L. 89-306, Brooks Bill (pages 15-16 of FIPS PUB 12-1).
- Presidential letter dated April 30, 1971, delegating approval of Federal information processing standards to the Director, OMB (page 17 of FIPS PUB 12-1).
- Department of Commerce Organization Order 30-2B of June 12, 1972, as amended on November 2, 1972 (NBS Administrative Manual, Chapter 9).
- OTP letter of June 22, 1972, to the Acting Administrator of GSA.
- Exclusive and mutual responsibilities of the National Communications System and the National Bureau of Standards for the development of Federal standards related to data transmission and teleprocessing. (This document appears in references d., h., and i. and is reproduced as an appendix of this memorandum.
- GSA letter of August 14, 1972, to Executive Agent, NCS.
- FPMR 101-29, Federal Standardization, a GSA Handbook.
- Objectives and Requirements of the Federal Information Processing Standards Program, FIPS PUB 23, February 14, 1973.
 - Objectives and Requirements of the Federal Telecommunications Standards Program, NCS Circular 175-1.
 - Executive Order 11717 of May 9, 1973, Transferring Certain Functions from the Office of Management and Budget to the Gen-

eral Services Administration and the Department of Commerce.

Background. Pub. L. 89-306 (reference a) authorized the Secretary of Commerce to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards. The responsibility for approving such standards was later delegated by the President to the Director, Office of Management and Budget (reference b). Subsequently, Executive Order 11717 (reference j) transferred to the Secretary of Commerce the function of standards approval on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended. Within the Department of Commerce, the Institute for Computer Sciences and Technology (ICST) of the National Bureau of Standards was assigned the standards responsibility (reference c). As a separate action, the Director, Office of Telecommunications Policy, Executive Office of the President, identified the Executive Agent, NCS, as the focal point to prepare recommended Federal standards for the interoperability of NCS networks and to assure an effective interface between computers and communication systems. He cited the relationship of the proposed NCS activity to that of the NBS, and recommended to GSA that the Executive Agent, NCS, be designated the responsible agent for such standards under the Federal standards program (reference d), in conformance with the delineation of mutual and exclusive responsibilities worked out between these agencies (reference e). In response to the request, a designation of responsibility was made to NCS by the Acting Administrator, General Services Administration (reference f), with the understanding that the standards would be developed and processed in accordance with FPMR 101-29 and its associated Federal Standardization Handbook (reference g), and transmitted to GSA for publication through the Office of Telecommunications Policy for review and approval.

Under the NBS/NCS agreement (reference e), NBS is responsible for uniform Federal automatic data processing standards. These encompass, among other requirements, standards relating to automated data processing equipment, techniques and computer languages. NCS is responsible for Federal standards for transmission and switching equipment and techniques, and for equipment and techniques pertaining to modulation conversion for transmission, and for any necessary Federal standard for manual or automatic operation procedures for the setting up, holding, and clearing of calls for data transmission. Mutual responsibilities exist in respect to Federal standards for (1) the junction (interface) between terminal modem and data terminal equipments, (2) alphabets and characters used for teleprocessing purposes, (3) error detection codes and requisite signaling, and (4) certain aspects of signal coding, transmission performance and signal margin requirements.

PROCEDURE

Identification. The requirements for standards in the Federal Information Processing Standards Program are given in FIPS PUB 23 (reference h). An initial list of requirements for standards in the Federal Telecommunications Standards Program is given as an enclosure to NCS Circular 175-1 (reference i).

A. The NBS will review the standards requirements in FIPS PUB 23 to identify those standards considered to fall in the area of mutual responsibility.

B. The NCS will review the standards requirements depicted in NCS Circular 175-1

and impending additions thereto to identify those standards considered to fall in the area of mutual responsibility.

C. Representatives of NBS and NCS will review the identified standards and other standards requirements documents in order to jointly develop an agreed initial list of standards falling within the area of mutual responsibility.

D. NBS and NCS will meet as necessary to update the list.

E. FIPS PUB 23 and NCS Circular 175-1 will, when revised, reflect the agreed list of standards falling within the area of mutual responsibility.

Development. A. Representatives of NBS and NCS will determine on a case-by-case basis the development approach for each standard on the agreed list. Alternatives are in-house NBS, in-house NCS, FTSC Task Force or Subcommittee, FIPS Task Group, joint task group, and other. Availability of qualified personnel, workload and qualifications of existing task groups, and status of related Federal and industry standards will be considered in making the assignments.

B. NBS and NCS will jointly assign a priority and establish a target date for the completion of each standard on the agreed list.

C. NBS and NCS will both approve a statement of the scope and program of work for the development project for each proposed standard.

Coordination. A single letter will go to each agency requesting comments from both the ADP and telecommunication points of view. The letter may be transmitted by either NBS or NCS depending on the assignment of the responsibility for developing the standard.

Approval. The coordinated standard will be considered as a joint NBS/NCS recommendation and will be forwarded simultaneously to the Secretary of Commerce by NBS and by NCS to the Administrator of GSA through OTP for approval.

Publication and distribution. The approved standard will be issued as a single document clearly identified as belonging to both the Federal Information Processing Standards Series and the Federal Telecommunication Standards Series. It will be processed for publication through NBS and the Government Printing Office (GPO), and will be distributed by GPO and GSA according to procedures already established for Federal Information Processing Standards Publications (FIPS PUBS).

RICHARD W. ROBERTS,
Director, National Bureau
of Standards.

Dated: May 11, 1973.

FREDERICK B. DENT,
Secretary of Commerce.

Dated: December 13, 1973.

EBERHARDT RECHTIN,
Executive Agent, National
Communications System.

Dated: June 27, 1973.

CLAY T. WHITEHEAD,
Director, Office of
Telecommunications Policy.

Dated: July 19, 1973.

ARTHUR F. SAMPSON,
Administrator,
General Services Administration.

Dated: October 5, 1973.

APPENDIX

EXCLUSIVE AND MUTUAL RESPONSIBILITIES OF THE NATIONAL COMMUNICATIONS SYSTEM AND THE NATIONAL BUREAU OF STANDARDS FOR THE DEVELOPMENT OF FEDERAL STANDARDS RELATED TO DATA TRANSMISSION AND TELEPROCESSING

General. For the purposes of this paper, NCS is taken to mean the Office of the Manager of the National Communications System. NBS is taken to mean the Institute for Computer Sciences and Technology of the National Bureau of Standards. Teleprocessing is taken to mean automated data processing which makes direct use of data transmission via switched or long distance non-switched telecommunication facilities.

The delineations of responsibilities presented below are adapted from, and correspond to the division of responsibilities laid out in ITU-CCITT Recommendation A-20, affecting the responsibilities of the International Telecommunications Union and the International Organization for Standardization and the International Electrotechnical Commission. The international aspects are analogous to the relationships between the existing Federal Information Processing Standards (FIPS) Program and the Federal Telecommunication Standards Program.

EXCLUSIVE RESPONSIBILITIES

NBS—Teleprocessing. Pursuant to P.L. 89-306, the National Bureau of Standards (NBS) currently is responsible for recommending uniform Federal automatic data processing standards. This responsibility is fulfilled through the Federal Information Processing Standards (FIPS) Program and encompasses Federal standards related to automated data processing equipment, techniques, and computer languages; the provision of technical advice and assistance with respect to standards for data elements and codes and maintaining appropriate Registers and Reference files therefor. The NBS is also responsible for the guidance and mentorship of programs to promote the development and testing of voluntary commercial standards for ADP equipment, techniques, and computer languages, and for recommending procedures to be used in the Federal Government for adopting Federal standards and developing and implementing plans therefor.

NCS—Data transmission. It will be the responsibility of the National Communications System (NCS) to recommend uniform Federal standards for transmission and switching employed in telecommunication networks used for data transmission. This responsibility will be fulfilled through a Federal Telecommunication Standards Program, and will encompass Federal standards related to transmission and switching equipment and techniques, and to equipment and techniques pertaining to modulation conversion for transmission. The NCS will also be responsible for the specification of any necessary Federal standard for manual or automatic operation procedures for the setting up, holding, and clearing of calls for data transmission within Federal multi-purpose switched networks.

Mutual responsibilities. The development of Federal standards for the junction (interface) between terminal modem and data terminal equipments shall be as agreed between the NCS and the NBS.

The development of Federal standards relating to alphabets and characters¹ used for teleprocessing purposes shall be as agreed between the NBS and the NCS.

Devices designed to detect and/or correct errors must account for the following factors: (i) The error rates tolerable to the user; (ii) the line transmission conditions; and (iii) the error detection codes which must cope with the exigencies of the data alphabet and characters, as well as with error control and requisite signalling.

In this regard: Federal standards relating to limits for tolerable error rates for teleprocessing purposes shall be the responsibility of the NBS; Federal standards relating to limits for line transmission conditions for data transmission purposes shall be the responsibility of the NCS; and Federal standards relating to the error detection codes and requisite signalling shall be as agreed between NCS and NBS.

Coding² is a field which cannot be decided unilaterally because of possible restrictions to teleprocessing which transmission and switching peculiarities may impose. The NCS with assistance from the NBS shall undertake any requisite standardization with respect to Federal multi-purpose switched networks which are used for data communications and which may be subject to such restrictions. Federal standards relating to limits of transmission path performance including modems shall be the responsibility of the NCS. Federal standards relating to limits for the transmission performance and signal margin requirements of transmitting and receiving terminal data equipment shall be the responsibility of the NBS. The limits which would apply in respect to either of the above types of standards shall be determined by agreement between NBS and NCS.

The NCS and the NBS shall cooperate in the development of Federal standards requisite to the effective utilization of new technological developments in the Telecommunication and Computer fields so as to optimize data transmission capabilities in support of teleprocessing activities.

[FR Doc.74-3335 Filed 2-8-74;8:45 am]

National Oceanic and Atmospheric Administration
FOREIGN INVESTMENT IN U.S. FISHING COMPANIESExtension of Date for Receiving Comments
FEBRUARY 5, 1974.

The October 23, 1973, issue of the FEDERAL REGISTER (Volume 38, Number

¹The ITU List of Definitions No. 31.08, "A table of correspondence between the written characters together with some of the functions and the data signals which represent them." By way of example, the International Alphabet No. 5 (in the U.S., the ASCII) developed jointly by the CCITT and the ISO for general (but not exclusive) use for data and message transmission, and was standardized as a common alphabet by the two organizations.

²A system of rules and conventions according to which the signals corresponding to a text should be formed, received and translated—ITU List of Definitions No. 31.07—hence a transformation of the format of the signals in the alphabet for taking account of synchronous methods, and introduction of redundancy in accordance with the error control system.

203, Page 29239) contained a notice of intent regarding an interim policy on foreign investment in U.S. fishing companies. The notice stated that written views, data, or arguments related to the interim policy should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and that all communications received on or before January 1, 1974, will be considered before final adoption of the interim policy. Because only a few communications have been received, and because of the importance of the interim policy to the fishing industry, the date for receiving views, data, or arguments is hereby extended to March 1, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc. 74-3320 Filed 2-8-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Orthopaedic Devices.	February 11, 9 a.m., United Airlines Meeting Room, O'Hare Airport, Chicago, Ill.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Leon J. DeMerre, Ph.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Comments and presentations by interested persons; discussion of current medical device legislative proposals. Closed session: Re-examination of prior classification findings for orthoses and prostheses; continuing classification of therapeutic orthopaedic devices.

Committee name	Date, time, place	Type of meeting and contact person
2. Biometric and Epidemiological Methodology Advisory Committee.	February 26, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11:30 a.m., closed after 11:30 a.m., Charles Anello, D.Sc., Room 15B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4596.

Purpose. Advises the Commissioner of Food and Drugs concerning extramural and intramural research in the area of epidemiological and biometric methodology and provides a resource of statistical consultants for FDA evaluation programs.

Agenda. Open session: Comments and presentations by interested persons; Phase IV Studies; Coronary Drug Projects (presentation by Dr. Curtis Meinert) and Statistical Design Issues related to Phase IV Studies. Closed session: Selected studies on Drug Safety (discussion of unpublished and preliminary data and its implications).

Committee name	Date, time, place	Type of meeting and contact person
3. Dermatology Advisory Committee.	February 27, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Wilson A. Powell, M.D., Room 12B-45, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4280.

Purpose. Advises the Commissioner of Food and Drugs regarding the efficacy and safety of drugs employed in the field of dermatology, and the current advances, changing concepts, and trends in the field.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion of NDA 16-899.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion

would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the deci-

sion results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 5, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-3338 Filed 2-8-74; 8:45 am]

[DESI 11839; Docket No. FDC-D-659;
NDA 12-541]

MEDROXYPROGESTERONE ACETATE FOR INTRAMUSCULAR ADMINISTRATION

Withdrawal of Approval of Pertinent Parts of New Drug Application

On October 10, 1973 there was published in the FEDERAL REGISTER (38 FR 27949) a notice of opportunity for hearing (DESI 11839) in which the Commissioner of Food and Drugs proposed 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 those parts of NDA 12-541 for Depo-Provera Sterile Aqueous Suspension containing medroxyprogesterone acetate (The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49001) (1) that pertain to medroxyprogesterone acetate 50 mg. per ml. in 1 ml. and 5 ml. vials, and 100 mg. per ml. in 1 ml. vials; and (2) that provide for the indications endometriosis and threatened and habitual abortion.

The basis of the proposed action was that there is a lack of substantial evidence that injectable medroxyprogesterone acetate is effective for endometriosis and threatened and habitual

abortion, and that the drug is not shown to be safe for use in habitual or threatened abortion. Neither Upjohn nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). 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, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that: (1) New information, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling; and (2) new evidence of clinical experience, not contained in the application or not available to him when the application was approved, reveals that the drug is not shown to be safe for use in threatened or habitual abortion.

Therefore, pursuant to the foregoing findings, approval of the above-described pertinent parts of new drug application No. 12-541 and all pertinent amendments and supplements applying thereto is withdrawn effective on February 21, 1974.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: February 1, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-3313 Filed 2-8-74; 8:45 am]

SCHERING CORP.

Sixty Six-20 Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

At the request of Schering Corp. 86 Orange St., Bloomfield, NJ 07003, and in accordance with §135.28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application)

No. 15-020V for Sixty Six-20 Tablets, which contain prednazate and chlorpheniramine, is hereby withdrawn. Withdrawal of the new animal drug application is requested on the basis that the drug is no longer being marketed.

Effective date. This order shall be effective February 11, 1974.

(Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b.))

Dated: February 1, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-3311 Filed 2-8-74; 8:45 am]

UPJOHN CO.

Delta-Cortef; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 2.210), the following notice is issued:

At the request of The Upjohn Co., Kalamazoo, MI 49001, and in accordance with §135.28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 11-336V for Delta-Cortef, Veterinary which contains prednisolone is hereby withdrawn. Withdrawal of the new animal drug application is requested on the basis that the drug is no longer being marketed.

Dated: February 1, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-3312 Filed 2-8-74; 8:45 am]

CORP.

WESTON CHEMICAL, BORG-WARNER

[FAP 4B2985]

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 4B2985) has been filed by Weston Chemical, Borg-Warner Corp., Montvale, NJ 07645, proposing that §121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for additional safe uses of cyclic neopentetetrayl bis(octadecyl phosphite) as an antioxidant and/or stabilizer in the manufacture of polystyrene and rubber-modified polystyrene; vinyl chloride polymers and copolymers; and additional olefin polymers, intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Com-

missioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 29, 1974.

ALBERT C. KOLBYE, JR.,
Acting Director,
Bureau of Foods.

[FR Doc.74-3369 Filed 2-8-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, Pub. L. 92-463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on March 7-8, 1974, at the Bourbon Orleans Hotel in New Orleans, Louisiana. The meetings on both days will begin at 9:00 a.m. local time.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. The meeting will be devoted to consideration of material for inclusion in the Council's Eighth Annual Report and recommendations pertaining thereto. All records of Council proceedings are available for public inspection at the office of the Council's Executive Director, located in Suite 710, 1325 G Street NW., Washington, D.C.

EDWARD A. KIELOCH,
Executive Director.

FEBRUARY 5, 1974.

[FR Doc.74-3327 Filed 2-8-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 22; Notice No. 74-6]

STANDARD TIME ZONE BOUNDARIES

Operating Exceptions; Louisville and Nashville Railroad Company

Effective 2:00 a.m. central non-advanced (standard) time Sunday, January 6, 1974, until 2:00 a.m. central advanced (daylight saving) time, Sunday, April 27, 1975, the Louisville and Nashville Railroad Company is granted exceptions from the standard times of the time zones created by Congress in the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-67). The exceptions permit opera-

tion in Kentucky under central advanced time from the west line of Grant County (north of Glencoe) to DeCoursey (Kentucky County), and from the south line of Pendleton County (south of Morgan) to DeCoursey, despite the fact that the area concerned is in the eastern time zone; and under eastern advanced time from the south line of Whitley County (the Kentucky-Tennessee border), just south of Lot, including the Jellico Branch, to Corbin, despite the fact that the area concerned is in the central time zone. These exceptions do not, however, permit the railroad in its public schedules and notices to show the areas concerned as being in other than, respectively, the eastern and central time zones.

(Act of March 18, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-67); sec. 6(e) (5), Department of Transportation Act (49 U.S.C. 1655(e) (5)); sec. 1.59(b), Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(b))

Issued in Washington, D.C., on February 4, 1974.

RODNEY E. EYSTER,
General Counsel.

[FR Doc.74-3325 Filed 2-8-74;8:45 am]

[Docket Nos. 50-416 and 50-417]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GRAND GULF NUCLEAR STATION, UNITS 1 AND 2

Notice of Meeting

FEBRUARY 7, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Grand Gulf Nuclear Station, Units 1 and 2, will hold a meeting on March 4, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of the meeting will be to review the application of the Mississippi Power and Light Company for a permit to construct Units 1 and 2, which are located in Claiborne County, Mississippi, about 25 miles south of Vicksburg, Mississippi.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

MONDAY, MARCH 4, 1974, 9:00 A.M.-5:00 P.M.

Review of the application for a construction permit (presentations by the AEC Regulatory Staff and the Mississippi Power and Light Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the close of the meeting, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information concerning

containment test results, seismic exploration, or fuel design.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of (5 U.S.C. 552(b)) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of (5 U.S.C. 552(b)). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 25, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for a construction permit and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the Chancery Clerk's Office, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on March 4, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 1, 1974, to the Office of the Executive Secretary of the Com-

mittee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within nine days at the Chancery Clerk's Office, Claiborne County Courthouse, Port Gibson, Mississippi 39150. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after May 6, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc. 74-3507 Filed 2-8-74; 9:44 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR FUELS

Notice of Meeting

FEBRUARY 7, 1974.

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Fuels will hold a meeting on February 28 and March 1, 1974, in Room 1046, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss nuclear fuel design and performance models with reference to nuclear reactors designed by the Combustion Engineering Company and fuel fabricated by Exxon Nuclear Co., and Regulatory Staff review of fuel performance models, in general. Plutonium recycle and reactor vendor peaking factor calculations.

The following constitute that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, FEBRUARY 28, 1974
9:00 A.M.-4:30 P.M.

Discussion with the AEC Regulatory Staff and Combustion Engineering.

FRIDAY, MARCH 1, 1974
9:00 A.M.-4:30 P.M.

Discussion with the AEC Regulatory Staff and Exxon.

In connection with the above agenda items, the Subcommittee will hold executive sessions before and after the public sessions for each day of the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting on each day, the Subcommittee may hold a closed session with the Regulatory Staff and C.E. or Exxon to discuss privileged information relating to nuclear fuel design and fuel performance models.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of each day of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of (5 U.S.C. 552 (b)) and that a closed session may be held on each day to discuss certain documents which are privileged and fall within exemption (4) of (5 U.S.C. 552 (b)). It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 21, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon Combustion Engineering and Exxon topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours

of 1:00 p.m. and 4:30 p.m. on either day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 27, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after May 1, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory
Committee Management Officer.

[FR Doc. 74-3506 Filed 2-8-74; 9:44 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Order Extending Construction Completion Date

Arkansas Power and Light Company is the holder of Provisional Construction Permit No. CPPR-57, issued by the Commission on December 6, 1968, for construction of Arkansas Nuclear One, Unit 1, presently under construction at the Company's site on a peninsula in the Dardanelle Reservoir on the Arkansas River in Pope County, Arkansas.

On October 24, 1973, the Company filed a request for an extension of the comple-

tion date because construction has been delayed due to: (1) Late delivery of valves, (2) modifications of the emergency core cooling system (ECCS), and (3) reactor coolant pump motor repair. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated January 22, 1974.

It is hereby ordered, That the latest completion date for CPPR-57 is extended from January 1, 1974 to May 1, 1974.

Date of issuance: February 5, 1974.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Deputy Director.

[FR Doc.74-3352 Filed 2-8-74;8:45 am]

STANDARDS SUBCOMMITTEE OF THE U.S. NUCLEAR DATA COMMITTEE

Notice of Meeting

FEBRUARY 6, 1974.

The Standards Subcommittee of the Atomic Energy Commission's U.S. Nuclear Data Committee (USNDC) will hold a meeting at the National Bureau of Standards, Room B-111, Administration Building, Gaithersburg, Maryland, on February 27-28, 1974. The meeting will begin at 9:00 am on February 27, and will end at approximately 12:30 pm on February 28, 1974. The entire meeting will be open to the public.

The preliminary agenda for the meeting is as follows:

WEDNESDAY, FEBRUARY 27, 1974

9:00-10:00 am	Terms of Reference.
10:00-12:00	Discussions of Subcommittee Actions Resulting from the November 3, 1973 USNDC Meeting at ANL.
1:00-4:00 pm	Technical Review of Cross Section Standards.
4:00-5:00 pm	Technical Presentations.

THURSDAY, FEBRUARY 28, 1974

9:00-11:30 am	Technical Review of Cross Section Standards and Other Important Nuclear Data Measurements.
11:30-12:30	Other Subcommittee Business.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than February 20, 1974, to the Chairman, Standards Subcommittee, USNDC (Dr. R. E. Caswell), Deputy Director, Center for Radiation Research, National Bu-

reau of Standards, Washington, D.C. 20234. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 11:30 a.m. and 12:30 p.m. on February 28, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of this Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Standards Subcommittee (Dr. Caswell), telephone: 301-921-2551.

(e) Questions may be asked only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after April 5, 1974, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-3383 Filed 2-8-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24421]

SERVICE TO SAIPAN CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and Board Order 74-1-149, dated January 29, 1974, that a hearing in this proceeding will be held on March 11, 1974, at 10 a.m. (local time), in the Court Room of High Court, Susupe, Saipan, Mariana Islands, Trust Territory of the Pacific Islands 96950, before Administrative Law Judge Milton E. Shapiro.

Order 74-1-149, January 29, 1974, reopens this proceeding for the purposes of (a) determining the relevant facts concerning (i) the actual, present position of the local civic and governmental parties with respect to the issue of carrier selection, and (ii) the conduct of the carriers and those acting on their behalf in seeking to obtain support for their respective

applications in this proceeding; (b) determining whether the conduct referred to in item (i) involved any violation of the Board's Rules of Conduct; and (c) reaching a conclusion as to the consequences of the foregoing determinations in terms of the ultimate disposition of the applications in this proceeding.

Dated at Washington, D.C., February 7, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-3466 Filed 2-8-74;8:45 am]

[Docket No. 24421]

SERVICE TO SAIPAN CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled matter is assigned to be held on February 21, 1974, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference all parties are requested to submit on or before February 15, 1974, one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; and (4) statements of position.

Dated at Washington, D.C., February 6, 1974.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.74-3467 Filed 2-8-74;8:45 am]

COST ACCOUNTING STANDARDS BOARD

ESTABLISHMENT OF MINIMUMS

Notice of Study and Invitation To Supply Sales Data

Notice is hereby given of a study being undertaken by the Cost Accounting Standards Board to consider the establishment of minimums below which an organizational unit of a contractor need not follow Board promulgations. Such minimums may be based on dollar amounts of sales under contracts of the type subject to Board rules and regulations, or percentages of such sales in relation to total sales, or combinations of both factors.

Under present Board rules and regulations, every contractor who receives a negotiated defense contract in excess of \$100,000, not otherwise exempt, is subject to Cost Accounting Standards. Additionally, Federal Procurement Temporary Regulation No. 27 has extended the Board's rules, regulations, and Standards to many negotiated contracts of non-defense agencies.

In determining any minimums to be established, the Board will consider information concerning the levels of particular kinds of Government business and their relation to total sales. To elicit this information, the Board has designed a form which companies are requested to

complete to furnish the information for each profit center, division, subsidiary, or other organizational unit which is doing work on at least one contract subject to the CAS clause. Upon completion of the study, the Board will announce its decision concerning the establishment of a level or levels of Government business below which organizational units need not follow Board Standards, rules, and regulations.

The Board has mailed the above referenced form to more than 2,600 companies. Although that mailing will reach many interested contractors from whom the Board hopes to receive data, the Board urges all interested companies to participate in this study. Those companies wishing to participate who did not receive a copy of the form can secure a copy by writing to the Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C. 20548, and requesting a copy of the Form CASB-E-1 and related instructions. The CASB encourages contractors at all levels of business to join in this study and furnish the Board with sales data of the type needed to assist the Board in its study. In order to assure that their information is fully considered, responding companies should submit the data by May 1, 1974.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 74-3068 Filed 2-8-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/10]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 12, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under Section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of rea-

sonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held on or before April 12, 1974, before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before April 12, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 12, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 352-354. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. "Du Pont Benlate Benomyl Fungicide" (for use on tomatoes). Active Ingredient: Benomyl methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate 50 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 352-354. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. "Du Pont Benlate Benomyl Fungicide" (for use on strawberries). Active Ingredient: Benomyl methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate 50 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21144-RE. Hypo Chemical Corporation, 4871 N. 119th Street, Milwaukee, Wisconsin 53225. "Chlorine Concentrated Tablets." Active Ingredient: Trichloro-s-triazinetrione 99.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21144-RG. Hypo Chemical Corporation, 4871 N. 119th Street, Milwaukee, Wisconsin 53225. "Clear-up." Active Ingredient: Sodium Dichloro-s-Triazinetrione Dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1124-TT. Purex Corporation, 24600 South Main Street, Carson, California 90745. "Franklin Sani-Turge 256." Active Ingredients: Octyl decyl dimethyl ammonium chloride 3.750 percent, Dioctyl dimethyl ammonium chloride 1.875 percent; Didecyl dimethyl ammonium chloride 1.875 percent; Alkyl (C₁₄ 50 percent, C₁₂ 40 percent, C₁₀ 10 percent) benzyl dimethyl ammonium chloride 5.000 percent; Tetrasodium ethylenediamine tetraacetate 3.420 percent; Isopropyl alcohol 3.000 percent; Ethyl alcohol 1.000 percent. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: February 4, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 74-3349 Filed 2-8-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 686]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services
Applications Accepted for Filing²

FEBRUARY 4, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE
20871-C2-P-74—Rad Com Electronics, Inc. (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Cosmopolis Hill, 2 miles south of Cosmopolis, Washington.

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

- 20872-C2-TC-(2)-74—Lincoln-Desha Telephone Company, Inc. Consent to transfer of control from Kay G. VanTrain, Transferor, to Continental Telephone Corporation, Transferee. Stations: KFL950 Star City, Arkansas, and KLB709 Dumas, Arkansas.
- 20873-C2-MP-74—Paging, Inc. (KUC570). C.P. to replace transmitter and change the antenna system operating on 152.24 MHz located at Bristol, Virginia.
- 20874-C2-AL-(2)-74—Delta Communications, Inc. Consent to the assignment of license from Delta Communications, Inc., Assignor, to Delta Mobile Phone, Inc., Assignee. Stations: KQZ783 and KUC858 Greenwood, Mississippi.
- 20875-C2-P-74—Sigma Communications Corporation (KCC484). C.P. to replace transmitter operating on 152.18 MHz at Loc. #2: Birch Mountain Road, 0.25 mile north of Hebron Avenue, Glastonbury, Connecticut.
- 20876-C2-P-74—Anniston Communications Service (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Blue Mountain, 0.75 mile NE of Anniston, Alabama.
- 20877-C2-P-74—McCord's Communications Service (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located on Overlook Drive, Gadsden, Alabama.
- 20878-C2-P-74—Mobilphone Service Inc. (New). C.P. for a new 2-way station to operate on 152.12 MHz to be located at 114 West Central Street, Ponca City, Oklahoma.
- 20879-C2-P-74—Southwestern Bell Telephone Co. (KKG413). C.P. to replace transmitter operating on 152.51 MHz located on State Highway No. 82, 1.5 miles west of El Dorado, Arkansas.
- 20880-C2-MP-74—Kidd's Communications, Inc. (KMA257). Mod. C.P. to replace the control transmitter operating on 72.26 MHz at Loc. #3: 107 Asher Street, Taft, Cal.
- 20881-C2-P-74—E & J Mobile Radio Service (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located at 1.5 miles NE of Hillsboro, Ohio.
- 20882-C2-P-74—Radio Contact Corp. (KLF650). C.P. for additional facilities to operate on 454.150 MHz at a new site described as Loc. #2: Lookout Mountain, Golden, Colorado.

Major Amendment

- 6248-C2-P-73—Tele-Page, Inc. (New). AMEND to add an additional channel on 152.03 MHz. All other particulars are to remain the same as reported on Public Notice No. 673, dated November 5, 1973.

Corrections

- 2853-C2-P/ML-73—Communications Equipment & Service Co. (KWA632). Correct to read: To reinstate expired C.P. to replace transmitters, antenna system, and change power for facilities operating on 152.03 MHz and 152.09 MHz at Loc. #1: Ester Dome, Alaska; for particulars see Public Notice No. 621, dated November 6, 1972.
- 5892-C2-P-73—AAA Answerphone, Inc.—Jackson (KRS705). Correct to read: base frequency 152.18 MHz; for particulars see Public Notice, No. 636, dated 2-20-73.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of economic competition to potential electrical interference.

Jerome, Idaho

- Radio Paging Service (New). File No. 5745-C2-P-73.
- Tel-Car, Inc. (New). File No. 7580-C2-P-73.

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of potential electrical interference.

South Carolina

- Columbia Telephone Answering Service, Inc. (KFL947) 5621-C2-P-(4)-73.
- May G. Evans, d/b as Evans Telephone Answering Service (KSV889) 7246-C2-P-73.

RURAL RADIO SERVICE

- 60118-C6-ML-74—United Telephone Company of Florida (KJC34). Mod. Lic. to add freq. 157.83 MHz (10 units) in any temporary. 157.83 and 157.83 MHz to be located rare fixed location within the territory of the grantee.
- 60119-C6-ML-74—United Telephone Company of Florida (WGI57). Mod. Lic. to add freq. 157.83 and 157.86 MHz to be located at Cabbage Key Island, Florida, located in Pine Island Sound, approximately 4.2 miles off the west coast of the State of Florida.
- 60120-C6-ML-74—United Telephone Company of Florida (WHJ25). Mod. Lic. to add frequencies 157.83 and 157.86 MHz to be located at Mondongo Island, Florida, located in Pine Island Sound, approximately 3.9 miles off the west coast of the State of Florida.
- 60121-C6-ML-74—Continental Telephone Company of Kansas (KZA89). Mod. Lic. for additional frequency 157.95 to operate in any temporary fixed location within the territory of the grantee.
- 60200-C6-TC-(2)-74—Atlas Utilities Company. Consent to transfer of control from The Sapelo Island Research Foundation, Inc., Transferor, to Darien Telephone Company, Inc., Transferee. Stations: KIO30-Darien, Georgia; KIO31—Sapelo Island, Ga.

POINT-TO-POINT MICROWAVE RADIO SERVICE

- 2946-C1-ML-74—The Mountain States Telephone and Telegraph Company (WAY20), Casper Junction, Wyoming. Mod. of License to change freqs. 3870H and 3950H MHz to 3810V and 3730V MHz toward Casper, Wyo.
- 2947-C1-ML-74—Same (KPQ57), Casper, Wyoming. Mod. of License to change freqs. 3910H and 3950H MHz to 3850V and 3770V MHz toward Casper Junction, Wyo.
- 2939-C1-R-74—General Telephone Company of California (KZI31). Within the territory of the grantee. Application for Renewal of License for Term: March 1, 1974, to March 1, 1975.
- 2940-C1-ML-74—Illinois Bell Telephone Company (KSN57), Dekalb, Illinois. Mod. of License to change polarization from Horizontal to Vertical on freqs. 11,115 and 10,795 MHz toward Lee, Ill.
- 2941-C1-ML-74—Same (KCG71), Lee, Illinois. Mod. of License to change polarization from Horizontal to Vertical on freqs. 11,245 and 11,565 MHz toward DeKalb, Ill.
- 2948-C1-P-74—The Mountain States Telephone and Telegraph Company (New), Robery Hill, 9 Miles SSW of Minersville, Utah. Lat. 38°06'00" N., Long. 113°00'50" W. C.P. for a new station on freq. 2178.0V MHz toward Cedar City, Utah, on azimuth 185°17'; freq. 2162.0V MHz toward Beaver, Utah, via passive reflector.
- 2949-C1-P-74—Same (New), 40 West 1st North, Beaver, Utah. Lat. 38°16'33" N., Long. 112°38'29" W. C.P. for a new station on freq. 2112.0V MHz toward Robery Hill via passive reflector.
- 2950-C1-P-74—Same (KPQ26), 103 West Center Street, Cedar City, Utah. Lat. 37°40'38" N., Long. 113°03'47" W. C.P. add

- freq. 2128.0V MHz toward a new point of communication at Robery Hill, Utah, on azimuth 05°15'.
- 2951-C1-P-74—(KEM73) 2 Miles SE of Quinton, New Jersey. Lat. 38°31'49" N., Long. 75°22'53" W. C.P. to add freq. 4010V MHz toward Wilmington, Del., on azimuth 328°43'.
- 2952-C1-P-74—Same (KGP83), 901 Tatnall Street, Wilmington, Delaware. Lat. 39°44'45" N., Long. 75°33'04" W. C.P. to add freq. 3970V MHz toward Quinton, N.J., on azimuth 148°37'.
- 2953-C1-MP-74—CPI Microwave, Inc. (WPE48), Corner of Hilderbrand and Devine, San Antonio, Texas. Lat. 29°27'54" N., Long. 98°28'41" W. Mod. of C.P. to change polarization of freqs. toward Floresville to 6212.1H, 6301.0V, 6182.4V, 6241.7V, and 6271.4H MHz.
- 2954-C1-MP-74—Same (WQP49), 6 Miles SW of Floresville, Texas. Lat. 29°04'38" N., Long. 98°14'18" W. Mod. of C.P. to change polarization of freqs. toward San Antonio to 5989.7H, and 6049.0H MHz.
- 2955-C1-MP-74—Same (WPE55), 2 Miles NNE of Crosby, Texas. Lat. 29°56'28" N., Long. 95°03'30" W. Mod. of C.P. to change polarization of freq. toward Ames to 6241.7H MHz.
- 2972-C1-P-74—Eastern Microwave, Inc. (New), Wood Hill, 2.2 Miles SW of Lawrence, Massachusetts. Lat. 42°39'17" N., Long. 71°13'05" W. C.P. for a new station on freqs. 11,305H, and 11,265V MHz toward Malden, Mass., on azimuth 154°23'.
- 2973-C1-P-74—Same (WDD73), Girard Hill, 2 Miles WNW of Delano, Pennsylvania. Lat. 40°50'58" N., Long. 76°06'41" W. C.P. to add freq. 8404.8H MHz toward Penobscot Mountain, Pa., on azimuth 28°28'. (NOTE: A waiver of Section 21.701(i) is requested by Eastern Microwave.)
- 2974-C1-P-74—Same (WDD74), Penobscot Mountain, 0.8 Mile North of Mountain Top, Pennsylvania. Lat. 41°10'57" N., Long. 75°52'20" W. C.P. to add freq. 11,465V MHz toward Swoyersville, Pa., on azimuth 355°53'.
- 2975-C1-MP-74—Cablecom-General, Inc. (KLM98), 4.7 Miles SE of Selling, Oklahoma. Lat. 36°06'00" N., Long. 98°51'30" W. Mod. of C.P. to change transmitters on freqs. 5945.2, 6004.5, 6063.8, and 6123.1 MHz; correct coordinates at receiving site resulting in azimuth correction on above freqs. toward Mooreland, Okla., on azimuth (corrected) 321°33'.
- 1291-C1-P-74—Mountain Microwave Corp. (KZI51), Medicine Butte, 6.0 Miles North of Reliance, South Dakota. Lat. 43°57'55" N., Long. 99°36'11" W. C.P. to add freq. 6004.5V MHz, via power split, toward Winner, S.D., on azimuth 197°16'. (INFORMATIVE: Mountain, by letter of March 22, 1973, requests reinstatement of this application.)
- 2976-C1-P-74—New England Telephone and Telegraph Company (New), 1.5 Miles NE of Fairhaven, Massachusetts. Lat. 41°39'01" N., Long. 70°52'53" W. C.P. for a new station on freq. 11,665V and 11,425V MHz toward Berkley, Mass., on azimuth 320°40'.
- 2977-C1-P-74—New England Telephone and Telegraph Company (KVH82), Green Street, 1 Mile South of Berkley, Massachusetts. Lat. 41°49'54" N., Long. 71°04'49" W. C.P. to add freqs. 10,775V and 11,015V MHz toward a new point of communication at Fairhaven, Mass., on azimuth 140°32'; freqs. 10,755V and 10,995V MHz toward Fall River, Mass., on azimuth 204°15'.
- 2978-C1-P-74—Same (KCL58), 326 North Main Street, Fall River, Massachusetts. Lat. 41°42'23" N., Long. 71°09'20" W. C.P. to add freqs. 11,685V and 11,445V MHz toward Berkley, Mass., on azimuth 24°12'.

2979-C1-P-74—Southern Bell Telephone and Telegraph Company (KIY59), 1645 Hampton Street, Columbia, South Carolina. Lat. 34°00'29" N., Long. 81°01'42" W. C.P. to add freq. 3870H MHz toward Swansea, S.C., on azimuth 188°11'.

2980-C1-P-74—Same (KJC87), 1.7 Miles East of Swansea, South Carolina. Lat. 33°44'42" N., Long. 81°04'25" W. C.P. to add freq. 3970V MHz toward Columbia, S.C., on azimuth 08°09'; freq. 3910H MHz toward Blackville, S.C., on azimuth 208°09'.

2981-C1-P-74—Same (KJC88), approximately 4 Miles NNW of Blackville, South Carolina. Lat. 33°24'55" N., Long. 81°17'02" W. C.P. to add freq. 4010V MHz toward Swansea, S.C., on azimuth 28°02'; freq. 3910V MHz toward Allendale, S.C., on azimuth 188°02'.

2982-C1-P-74—Same (KJC89), 3 Miles NW of Allendale, South Carolina. Lat. 33°01'56" N., Long. 81°20'53" W. C.P. to add freq. 3970H MHz toward Blackville, S.C., on azimuth 08°00'; freq. 3810V MHz toward Hancock Landing, Ga., on azimuth 288°00'.

2983-C1-P-74—Same (WOF35), 2 Miles West of Hancock Landing, Georgia. Lat. 33°09'13" N., Long. 81°47'43" W. C.P. to add freq. 4050V MHz toward Augusta, Ga., on azimuth 335°35'; freq. 3850V MHz toward Allendale, S.C., on azimuth 107°45'.

2984-C1-P-74—Same (KTF45), 937 Greene Street, Augusta, Georgia. Lat. 33°28'30" N., Long. 81°58'10" W. C.P. to add freq. 4010V MHz toward Hancock Landing, Ga., on azimuth 155°29'.

2985-C1-P-74—The Pacific Telephone and Telegraph Company (KJM95), 1407 J Street, Sacramento, California. Lat. 38°34'45" N., Long. 121°29'11" W. C.P. to change antenna system on freqs. 3710H, 3730V, 3790H, 3810V, 3870H, 3890V, 3970V, 4050V, and 4130V MHz toward Jackson, Calif., on azimuth 111°20'.

2986-C1-P-74—CPI Microwave, Inc. (WPE35), One Main Place, Dallas, Texas. Lat. 32°46'49" N., Long. 96°48'07" W. C.P. to add freq. 6034.2H MHz on azimuth 297°32' toward new point of communication at Irving, Tex.

2987-C1-P-74—MCI St. Louis-Texas, Inc. (WPE22), 2222 Grauwiler Rd., Irving, Texas. Lat. 32°49'44" N., Long. 96°54'45" W. C.P. to add freq. 6375.2H MHz on azimuth 117°28' toward new point of communication at Dallas, Tex. (INFORMATIVE: The above cited applications filed by CPI Microwave, Inc., and MCI St. Louis-Texas, Inc., propose to provide an interconnection between two companies.)

2988-C1-P-74—MCI Telecommunications Corporation (WOE52), 2.5 Miles NW of Bridgewater, Michigan. Lat. 42°11'07" N., Long. 83°56'10" W. C.P. to add freqs. 11,425.0H and 11,505.0H MHz toward Ann Arbor, Mich.

2989-C1-P-74—Same (WOE51), 555 East William Street, Ann Arbor, Michigan. Lat. 42°16'39" N., Long. 83°44'34" W. C.P. to add freqs. 11,015.0H and 10,935.0H MHz toward Bridgewater, Mich., and freqs. 6004.5V, 6034.2H, and 6123.1V MHz toward Northville, Mich.

2990-C1-P-74—Same (WIV82), 4.8 Miles WNW of Northville, Michigan. Lat. 42°27'22" N., Long. 83°34'14" W. C.P. to add freqs. 6286.2H, 6345.5H, and 6404.8H MHz toward Ann Arbor, Mich., and freqs. 6286.2V, 6345.5V, and 6404.8V MHz toward Dearborn, Mich.

2991-C1-P-74—Same (WOE56), 1.5 Miles East of Dearborn, Michigan. Lat. 42°19'10" N., Long. 83°09'06" W. C.P. to add freqs. 6004.5H, 6093.5V, and 6152.8V MHz toward Northville, Mich., and freqs. 10,895.0H and 10,815.0H MHz toward Detroit, Mich.

2992-C1-P-74—Same (WOE57), 500 Griswold Street, Detroit, Michigan. Lat. 42°19'47"

N., Long. 83°02'46" W. C.P. to add freqs. 11,305.0H and 11,545.0H MHz toward Dearborn, Mich.

2993-C1-P-74—Pacific Telatronics, Inc. (KPN74), King Mountain, 8 Miles East of Wolf Creek, Oregon. Lat. 42°41'49" N., Long. 123°13'39" W. C.P. to change freq. from 6382.6H MHz to 6264.7H (via power split) toward Myrtle Creek, Ore., on azimuth 351°47'.

Major amendments

1643-C1-P-74—American Microwave & Communications, Inc. (New), 0.6 Mile North of South Monterey, Michigan. Lat. 42°36'40" N., Long. 85°50'22" W. Application amended to change antenna polarization to 6004.5V and 6063.8V MHz toward Walker, Mich., on azimuth 5°36'.

6397-C1-P-73—United Wehco, Inc. (New), 2.0 Miles ENE of Malvern, Arkansas. Lat. 34°22'41" N., Long. 92°47'06" W. Application amended to change station location to above coordinates and to change points of communication to Benton, Ark., on freqs. 6226.9H and 6345.5H MHz on azimuth 43°09'; and to Hot Springs, Ark., on freqs. (via power split) 6226.9V and 6345.5V MHz on azimuth 297°40'. (NOTE.—A waiver of Section 21.701(i) is requested by applicant—see file no. 2619-C1-P-74, Public Notice #683, dated 1-14-74.)

9989-C1-P-73—Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. Application amended to change of coordinates at the Camillus, N.Y., drop site to Lat. 43°02'58" N., Long. 76°13'05" W.; resulting in a change of azimuth to 325°18'.

7943-C1-P-73—Midwestern Relay Company (WIV45). Delete freq. 10855H MHz toward Foshay Tower and add freq. 6197.2H MHz toward new point of communication at Monticello, Minn., on azimuth 296°55'. (All other particulars same as reported on Public Notice, dated 5-7-73.)

Corrections

7014-C1-P-70—United Video, Inc. (New), 0.6 Mile North of New Madrid, Missouri. Lat. 36°35'31" N., Long. 89°32'38" W. Correct polarization from Horizontal to Vertical on freq. 6315.9 MHz as reported in Public Notice #681, dated 1-2-74. (All other particulars same as reported previously.)

2568-C1-P-74—United Video, Inc. (KSI55), Norway, Illinois. Correct freq. to read: 11,135V MHz toward Streator, Illinois. (All other particulars same as reported on Public Notice #683, dated 1-14-74.)

2245-C1-P-74—Same (New) Sterling, Illinois. Correct point of communication to read: Clinton, Iowa. (All other particulars same as reported on Public Notice #681, dated 1-2-74.)

2613-C1-P-74—United Wehco, Inc. (New) Hope, Arkansas. Correct coordinates to read: Lat. 33°41'47" N., Long. 33°41'47" W. (All other particulars same as reported on Public Notice #683, dated 1-14-74.)

NOTICE

The Commission has approximately 1000 point to point microwave applications (most of them proposing specialized common carrier services) which have not been amended to comply with rules adopted on June 3, 1971 in the First Report and Order in Docket 18920 (29 FCC 2d 870) and/or the requirement for submission of a statement concerning site availability pursuant to Rule § 21.15(c) (5). (See Public Notices dated May 30, 1972; September 25, 1972 and January 29, 1973.) In recognition of the effort required in meeting these require-

ments, the Commission has been liberal in granting extensions of times to amend applications. However, it now appears that more than enough time has been allowed to permit the acquisition and filing of the necessary data. Therefore, any applications pending as of December 31, 1972, which is not amended by April 30, 1974, to comply with the rules adopted in Docket 18920, the requirements of § 21.15(c) (5), or otherwise as requested by the Commission's staff, will be dismissed for applicant's failure to prosecute pursuant to § 21.28(c). Further extensions of time in these matters should not be anticipated.

[FR Doc.74-3251 Filed 2-8-74; 8:45 am]

FEDERAL MARITIME COMMISSION

A/S BILLABONG ET AL.

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, on or before March 4, 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 agreement (as indicated hereinafter) and the statement should indicate that this has been done.

A/S BILLABONG; WESTFAL-LARSEN & Co., A/S; FRED. OLSEN & Co.; AND STAR SHIPPING A/S

Notice of agreement Filed by:

R. Frederic Fisher, Esquire
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

A petition filed in behalf of A/S Billabong; Westfal-Larsen & Co. A/S; Fred. Olsen & Co.; and Star Shipping A/S has been assigned Federal Maritime Commission No. 9955-1.

The petition is to amend the approved cooperative working arrangement among the above parties to (1) reflect the corporate name change of Star Bulk Shipping Company A/S to Star Shipping A/S,

and that references throughout Agreement No. 9955 to "Star Bulk" are amended to read "Star," (2) establish a new Article 2a. reading as follows:

"Expenses of Star" shall be all expenses defined as expenses of Star by the Board of Directors in its discretion and incurred by Star in the course of carrying on activities authorized by the Board of Directors, including, but not limited to, any vessel charter hire of any kind (including time, voyage, bareboat or other charter hire, howsoever calculated) paid or payable to owners of vessels (other than Billabong, Westfal-Larsen and Fred. Oisen) which are chartered by Star.

and (3) extend approval of the agreement for an indefinite period beyond the present termination date of November 12, 1974.

Dated: February 5, 1974.

AMERICAN EXPORT LINES, INC.; ATLANTICA LINE COMPANHIA NACIONAL DE NAVEGACAO; COMPANIA TRASATLANTICA ESPANOLA, S.A.; CONCORDIA LINE; COSTA LINE; JUGO-LINJA; PRUDENTIAL-GRACE LINES, INC.; SEA-LAND SERVICE, INC.; TORM LINES; ZIM ISRAEL NAVIGATION CO., LTD.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

An agreement among the above named carriers entitled the U.S. North Atlantic Spain Rate Agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, and has been assigned Federal Maritime Commission Number 10117.

Agreement No. 10117 permits the parties to confer and agree on rates, charges and related tariff matters affecting the U.S. North Atlantic-Spain Eastbound trade, subject to the right of each to take independent action on 48 hours notice to the other parties. Each party is to file its own tariffs.

Dated: February 5, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-3290 Filed 2-8-74; 8:45 am]

[Docket No. 74-6]

HUGO ZANELLI & CO.

Order of Investigation and Hearing

On October 15, 1963, Hugo Zanelli d/b/a Hugo Zanelli & Co., 328 M & M Building, Houston, TX 79601, was issued an independent ocean freight forwarder license FMC No. 397.

Section 1 of the Shipping Act, 1916, defines an independent ocean freight forwarder as a "person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or a purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such

shipper or consignee or by any person having such a beneficial interest."

Information has been developed that Hugo Zanelli d/b/a Hugo Zanelli & Co. (Zanelli) is a purchaser of material for export in the foreign ocean commerce of the United States on behalf of certain Mexican consignees and advances its own funds and credit for such purchases. Zanelli also profits from a so-called "mark-up" in its invoices as a fee for purchasing services to its Mexican principals. Zanelli therefore appears to be a purchaser of shipments to foreign countries and by use of its own credit or advancement of its own funds for which it receives a fee from its principals on such shipments, is in violation of sections 1 and 44 of the Shipping Act, 1916, and §§ 510.2(a) and 510.9(d) of the Commission General Order 4.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916, (46 U.S.C. 831, 841b) that a proceeding is hereby instituted to determine whether Hugo Zanelli d/b/a Hugo Zanelli & Co. continues to qualify for a license as an independent ocean freight forwarder, and whether its license as an independent ocean freight forwarder should be continued in effect or be suspended or revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b), and § 510.9(d), of the Commission's General Order 4.

It is further ordered. That Hugo Zanelli d/b/a Hugo Zanelli & Co. be made respondent in this proceeding and that the matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be announced by the Presiding Judge.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, Hugo Zanelli d/b/a Hugo Zanelli & Co.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-3293 Filed 2-8-74; 8:45 am]

SOUTH JERSEY PORT CORP. AND
NACIREMA OPERATING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46

U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 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, on or before February 21, 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:

Francis A. Scanlan, Esquire
Kelly, Deasey & Scanlan
926 Four Penn Center Plaza
Philadelphia, Pennsylvania 19103

Agreement No. T-2561-2, between South Jersey Port Corporation (Port) and Nacirema Operating Company, Inc. (Nacirema), modifies the basic agreement which provides for Nacirema's appointment as terminal operating contractor at Piers 1, 1-A, and 2 at Broadway Terminal, Camden, New Jersey. The purpose of the modification is to provide for a sharing between the parties of all revenue derived from truck loading and unloading, railroad carloading and unloading, and wharf demurrage, and to cancel Nacirema's guaranteed minimum annual payment obligation.

Dated: February 5, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-3289 Filed 2-8-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-132]

NATURAL GAS PIPELINE CO. OF AMERICA
Filing of Report of Distribution of Refunds

FEBRUARY 5, 1974.

Take notice that on January 24, 1974, Natural Gas Pipeline Company of America (Company) tendered for filing a report of distribution of refunds relative to rate refunds made by Company covering the period December 1, 1972, through August 31, 1973. Company states that the refunds were made in accordance with Article III of the stipulation and agree-

ment approved by the Commission on July 18, 1973, in Docket No. RP72-132. According to Company, the refunds were made subject to the limitations of Executive Order No. 11723 under which reduced refund rate levels were utilized for the period August 1 through August 12 in lieu of the higher rates permitted to become effective August 1 by the Commission. Company states that the summary of refunds filed indicates that a supplementary refund was made November 6, 1973, to the R/S S-1 customers a trefect additional refunds due as a result of a recalculation of refundable amounts for the period August 1-12, 1973.

Any person desiring to be heard or to protest said filing should file comments 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 comments should be filed on or before February 15, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3315 Filed 2-8-74;8:45 am]

[Docket No. E-7755]

SOUTHWESTERN PUBLIC SERVICE CO.

Proposed Changes in Electric Rate Schedules

FEBRUARY 5, 1974.

Take notice that Southwestern Public Service Company (Southwestern) on January 28, 1974, tendered for filing a new contract superseding its existing Rate Schedule FPC No. 52, applicable to wholesale electric service rendered to Tri-County Electric Cooperative, Inc. at Hooker, Oklahoma. The new contract is proposed to become effective on February 17, 1974, upon the termination of the existing contract.

Southwestern's filing cites the fact that the Commission by letter dated October 13, 1972, accepted for filing 12 of 16 contracts which had been tendered for filing on July 21, 1972. The four contracts which were not accepted by the Commission were returned without prejudice to timely filing upon expiration of the existing contracts which they were intended to supersede.

The rates and charges set forth in Exhibit B to the contract are applicable to Rate Schedule REA-3 and contain a demand charge of \$1.932 per kilowatt of demand per month which includes one hundred (100) kilowatt hours per kilowatt of demand; an energy charge of 5.60 mills per kilowatt hour for the total kilowatt hours used per month in excess of one hundred (100) kilowatt hours per kilowatt of demand; and an off-peak-winter period demand charge of 5.60 mills per kilowatt hour for all kilowatt hours used during such period. The Fuel Clause

contains a base fuel cost of (August, 1972) 0.2572 cents per kilowatt hour.

(No statement of service of copies of the filing, pursuant to §§ 35.13(a) and 1.17(b) of the Commission's regulations under the Federal Power Act and no proposed notice for publication in the FEDERAL REGISTER, pursuant to § 1.19(c) (3) of the Commission's rules of practice and procedure, were included in Southwestern's filing.)

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 February 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3357 Filed 2-8-74;8:45 am]

FEDERAL RESERVE SYSTEM

FROSTBANK CORP.

Order Approving Acquisition of Bank

FrostBank Corporation, San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to Parkdale State Bank, Corpus Christi, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two subsidiary banks with deposits of \$515.5 million, representing 1.48 percent of total deposits in commercial banks in the State of Texas, and Applicant is the tenth largest banking organization in the state.¹ Appli-

¹ All deposits figures are as of December 31, 1972, and bank holding company statistics reflect acquisitions and formations approved by the Board of Governors to the date of July 15, 1973.

cant also holds an interest of less than 25 percent in one bank located in the San Antonio market.² Approval of the proposed acquisition would not produce a significant increase in the concentration of banking resources in the state.

Bank is situated in Corpus Christi, Texas, within the market area approximated by the Corpus Christi SMSA. Bank has deposits of \$26.3 million, representing a 4.2 percent share of market deposits, and is the fifth largest of twenty-six banks in the market. Approval of this application would result in Applicant's initial entry into the market area and in a minimal increase in Applicant's percentage of control of statewide deposits from 1.48 percent to 1.61 percent.

Approval of the proposed transaction would have no adverse effects on competition. There is no substantial existing competition between Bank and any of Applicant's banking subsidiaries, nor is there a reasonable probability of substantial future competition developing between Bank and any of Applicant's banking subsidiaries, in view of the distances separating Bank from Applicant's existing subsidiaries, the number of banks in intervening areas, and Texas' prohibition of branch banking.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval, especially in light of Applicant's commitment to inject \$400,000 of capital funds into Bank. Considerations related to the convenience and needs of the community to be served lend weight toward approval of the application. Applicant will make available to Bank its financial strength and banking expertise to expand Bank's activities directed toward commercial financing. Applicant also will provide Bank with expertise to better enable Bank to serve its customers with regard to international banking, trust department services, and business development. It is the judgment of the Federal Reserve Bank of Dallas that the application is in the public interest and should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that the transaction will not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the

² Applicant owns 24.9 percent of the voting shares of Harlandale State Bank, San Antonio, Texas. In obtaining Board approval of its application to acquire Frost National Bank of San Antonio and Citizens National Bank of San Antonio, both of San Antonio, Texas, Applicant voluntarily agreed to divest of its interest in Harlandale State Bank within two years from the acquisition of Frost Bank and Citizens Bank, i.e., by May 1, 1975.

Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective January 29, 1974.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.74-3326 Filed 2-8-74;8:45 am]

LINDSBORG BANCSHARES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Lindsborg Bancshares, Inc., Lindsborg, Kansas, has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 81 percent or more of the voting shares of The Farmers State Bank, Lindsborg, Kansas ("Bank").

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y to engage in general insurance agency activities in Lindsborg, Kansas (population of less than 5,000). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notices of the receipt of the applications have been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant is a Kansas corporation organized for the purposes of becoming a bank holding company through acquisition of Bank, and operating as an insurance agency. Bank, with deposits of \$6.6 million,¹ representing 0.1 percent of the commercial bank deposits in the State, is the fifth largest of eleven banks in McPherson County and controls approximately 8 percent of total deposits in commercial banks in the county. Bank is the only bank in Lindsborg. Since the proposal represents a restructuring of Bank's ownership and Applicant has no banking subsidiaries, acquisition of Bank by Applicant would not eliminate any existing competition, nor would it appear to have any adverse effect on other banks or on the development of future competition in the relevant area. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Although Applicant will incur debt in acquiring Bank,

¹ Banking data are as of June 30, 1973.

it appears that income from Bank and insurance agency activities will provide sufficient revenue to service the debt adequately without impairing the financial condition of Bank. Considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant proposes to operate a general insurance agency business on Bank's premises through the acquisition of the Shogren-Larson Agency and consolidation with the insurance agency identified as Farmers State Bank Agency.² Approval would permit Applicant to offer Bank's customers the convenience of obtaining banking and insurance services in conjunction with each other. There is no evidence in the record³ indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of the Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this order; nor shall the acquisition of Bank, or the acquisition of the Shogren-Larson Agency and the consolidation with Farmers State Bank Agency, be made later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the

² Farmers State Bank Agency is engaged solely in the sale of credit life insurance. Due to the limited nature of such insurance activities, it does not appear that subject acquisition would have any significant effect on existing or future competition.

³ Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governor,⁴

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

[FR Doc.74-3199 Filed 2-8-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

OFFICE OF PROCUREMENT MANAGEMENT

Notice for Comment

The Office of Management and Budget (OMB), in memorandums to Heads of Executive Departments and Agencies on December 7, 1972, and on March 19, 1973, established and outlined plans for coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) report. Interagency task groups, made up of assigned lead and participating agencies, were formed to examine and recommend an executive branch position on each of the 149 COGP recommendations. Directions of executive branch efforts on COGP matters is a function which was transferred to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973.

The following is a task group proposal for an executive branch position on COGP Recommendation D-7 which concerns the direct procurement of products made in the United States from sources available to overseas activities, when such sources are cost-effective. The proposed position is the working product of the task group and does not represent the official views of GSA or any other agency of the executive branch.

The purpose of this notice is to offer an early opportunity for public comment on the task group proposal on COGP Recommendation D-7. The proposal is also being considered by appropriate agencies for their official views. Interested persons should submit their comments to the General Services Administration (AMC), Washington, D.C. 20405. To be given consideration, written comments must be submitted on or before April 12, 1974.

COGP Recommendation D-7. Require that consideration be given to the direct procurement of products made in the United States from sources available to overseas activities when such sources are cost-effective.

TASK GROUP PROPOSAL FOR AN EXECUTIVE BRANCH POSITION ON COGP RECOMMEN- DATION D-7 (SUMMARY)

It was the view of the task group that the present national supply system, together with existing balance of

⁴ Voting for this action: Chairman Burns and Governors Daane, Sheehan, Bucher and Holland. Voting against this action: Governor Brimmer (Dissenting statement filed as part of original). Absent and not voting: Governor Mitchell.

effective January 30, 1974.

payments procedures, in large measure satisfies the thrust of COGP Recommendation D-7. They believe that limiting procurement actions to decentralized (local purchase) items preserves the integrity of an effective and economical system which is responsive to wartime as well as peacetime logistic demands.

The task group further observed that the practice of locally purchasing items which are centrally procured tends to degrade the supply system. They referred to former studies which indicated that a single supply agency for common requirements was significantly more efficient.

Therefore, the task group concurred in, and recommended adoption of, COGP Recommendation D-7 with the stipulation that such procurement be limited to items designated for decentralized management. Implementing action was not proposed since the task group considers that implementation already takes place and will continue to take place as an integral part of supply/procurement regulations and operating practice.

After careful consideration of the views of Executive Departments and Agencies and all other interested parties responding to this request for comments, an executive branch position and implementation will be formulated.

Dated at Washington, D.C., on February 4, 1974.

WILLIAM W. THYBONY,
Acting Associate Administrator
for Office of Federal Management Policy.

[FR Doc.74-3336 Filed 2-8-74;8:45 am]

[Wildlife Order 116; N-FLA-710]

**PORTION, NAVAL AIR STATION
KEY WEST, FLA.**

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Atlanta, Georgia, Regional Office, dated January 17, 1974, the property comprising approximately 264.95 acres of unimproved land, identified as a portion of the Naval Air Station, Key West, Florida, has been transferred to the Department of the Interior for use by the Bureau of Sport Fisheries and Wildlife.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended, by Pub. L. 92-432.

Dated: February 1, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-3337 Filed 2-8-74;8:45 am]

**INTERIM COMPLIANCE PANEL
(COAL MINE HEALTH AND SAFETY)**

BUCHANAN COUNTY COAL CORP. ET AL.

Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4375-000, BUCHANAN COUNTY COAL CORPORATION, Mine #9, Mine ID No. 44 00403 0, Big Rock, Virginia.

(2) ICP Docket No. 4377-000, WELLMORE COAL CORPORATION, Mine #22, Mine ID No. 44 01763 0, Grundy, Virginia.

(3) ICP Docket No. 4380-000, MARY JEAN COAL COMPANY, INC., Mine #4-C, Mine ID No. 15 02453 0, Pikeville, Kentucky.

(4) ICP Docket No. 4384-000, BLANKENSHIP & COMPTON COAL COMPANY, Mine #1, Mine ID No. 44 00462 0, Maxie, Virginia.

(5) ICP Docket No. 4386-000, LITTLE ROCK COAL COMPANY, Mine #13, Mine ID No. 44 01871 0, Grundy, Virginia.

(6) ICP Docket No. 4389-000, KENTLAND-ELKHORN COAL CORPORATION, Kentland #2 Mine, Mine ID No. 15 02106 0, Mouthcard, Kentucky.

(7) ICP Docket No. 4401-000, KRAYNAK COAL COMPANY, Krainak #3 Mine, Mine ID No. 36 01349 0, Glen Campbell, Pennsylvania.

(8) ICP Docket No. 4369-000, MARCUS COAL CORPORATION, Mine No. 4, Mine ID No. 46 01239 0, Coal Mountain, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865 (a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 5, 1974.

[FR Doc.74-3315 Filed 2-8-74;8:45 am]

BLACK COAL CO. ET AL.

Opportunity for Public Hearing; Correction

In FEDERAL REGISTER Document 74-2750, appearing at page 4516, in the issue for Monday, February 4, 1974, in the third line of the seventh docket listing, "Mine ID No. 02472 0," should read "Mine ID No. 15 02472 0."

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 5, 1974.

[FR Doc.74-3314 Filed 2-8-74;8:45 am]

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[Notice (74-10)]

**DRAFT ENVIRONMENTAL IMPACT
STATEMENT**

Public Notice Regarding Availability

Notice is hereby given of the public availability of the draft Environmental Impact Statement for the Granting of an Easement for a Sewer Outfall Line by the Goddard Space Flight Center.

The Goddard Space Flight Center (GSFC) of the National Aeronautics and Space Administration (NASA) has under consideration a request by Greenbriar Associates, the developers of the Greenbriar Apartment Project, for an easement across approximately one hundred-fifty feet of GSFC property. The easement would be to permit the laying of an outfall line which would carry the effluent from a temporary private sewage treatment plant serving the Project across GSFC property to a discharge point on GSFC property into an unnamed tributary of Beaver Dam Creek. The sewage treatment plant is necessary if occupancy is to take place in accordance with the developer's schedule because a moratorium on hookups into the local public sewer system exists in the area until such time as the Western Branch Sewage Treatment Plant can be upgraded and the present overloading conditions relieved. This is expected early in 1975. When the Greenbriar Apartment Project is permanently connected to the public sewer system, the use of the Greenbriar sewage treatment plant will be terminated and the plant dismantled.

The primary environmental effect will be that resulting from discharge of the effluent from the sewage treatment plant upon the receiving stream. This effluent appears to meet all applicable Federal, State, and local standards and is expected to have no significant impact upon that stream.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received by April 1, 1974, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600) 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C. this 5th day of February 1974.

By the direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National
Aeronautics and Space
Administration.

[FR Doc.74-3373 Filed 2-8-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

FEBRUARY 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 4, 1974 through February 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3341 Filed 2-8-74; 8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

JANUARY 31, 1974.

The common stock of Equity Funding Corporation of America being traded on

the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from February 1, 1974 through February 10, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3344 Filed 2-8-74; 8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Amended Notice of Suspension of Trading

NOVEMBER 30, 1973.

The common stock of Giant Stores Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 3, 1973 through December 12, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3340 Filed 2-8-74; 8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

FEBRUARY 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 4, 1974 through February 13, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3339 Filed 2-8-74; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

JANUARY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 1, 1974 through February 10, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3343 Filed 2-8-74; 8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

FEBRUARY 1, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a na-

tional securities exchange is suspended, for the period from February 4, 1974 through February 13, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3342 Filed 2-8-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 111]

ARIZONA-NEVADA RATE CONFERENCE Agreement Notice

FEBRUARY 1, 1974.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed January 7, 1974 by:

Kunkle Transfer & Storage Co. (A Corporation)

420 South 3rd Avenue
Phoenix, Arizona 85003

Phil B. Hammond
Shimmel, Hill & Bishop
10th Floor, 111 West Monroe
Phoenix, Ariz. 85003

(Counsel to whom to address correspondence)

Agreement involves: Organization and procedures between and among common carriers by motor vehicle, members of Arizona-Nevada Rate Conference, relating to the joint consideration, initiation or establishment of rates, charges, rules, regulations, classifications, and practices, applicable to the transportation of property in interstate commerce between points in the State of Arizona or in the State of Nevada, solely for constructing combination rates for movements beyond the confines of such respective states.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before March 4, 1974. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3365 Filed 2-8-74;8:45 am]

[Notice 441]

ASSIGNMENT OF HEARINGS

FEBRUARY 6, 1974.

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-78684 Sub 2, Central Ind-III Trucking Inc., application is dismissed.

MC 2860 Sub-127, National Freight, Inc., application dismissed.

MC 13893 Sub 14, J. W. Ward Transfer, Inc., continued to April 15, 1974 (2 weeks), in Room 829 Federal Plaza, 600 Federal Place, Louisville, Kentucky.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3367 Filed 2-8-74;8:45 am]

[Notice 440]

ASSIGNMENT OF HEARINGS

FEBRUARY 5, 1974.

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 82007 Sub-7, Samuel Cooper Gregg, now assigned March 18, 1974, at Wilmington, Delaware, will be held in Courtroom 2, 4th Floor, New Federal Courthouse, 9th and King Street.

MC-138195, Mid-Island Messenger Service, Inc., is continued to April 1, 1974, at New York, N.Y., in a hearing room to be later designated.

MC 116073 Sub 31, Barrett Mobile Home Transport, Inc., Extension—Buildings (13 Western States), MC 116073 Sub 35, Barrett Mobile Home Transport, Inc., Extension—Buildings (Arizona), and MC 116073 Sub 85, Barrett Mobile Home Transport, Inc., Extension—Idaho, now being assigned continued pre-hearing Conference, February 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130103, Musiker Student Tours, Inc., now assigned March 5, 1974, at New York, N.Y., is cancelled and the petition is dismissed.

MC 114632 Sub 57, Apple Lines, Inc., now assigned March 6, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC 136512 Sub 2, Space Carriers, Inc., now assigned March 11, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 107012 Sub-187, North American Van Lines, Inc., now assigned March 4, 1974, at Chicago, Ill., MC 105375 Sub-46, Dahlen

Transport of Iowa, Inc., now assigned March 6, 1974, at Chicago, Ill., will be held in Room 1614, Tax Court, Everett McKinley Dirksen Building, 219 S. Dearborn Street. MC 138813, Daniel K. Flisk, DBA Dan-A-Way Charter Line, now assigned March 11, 1974, at Peoria, Ill., will be held in the Grand Jury Courtroom No. 115, County Building, Corner of Main & Jefferson Streets.

MC 119789 Sub 162, Caravan Refrigerated Cargo, Inc., now assigned February 11, 1974, at Dallas, Tex., is cancelled and transferred to modified procedure.

MC-124078 Sub 561, Schwerman Trucking Co., now being assigned hearing March 18, 1974 (2 days), will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-105501 Sub 9, Terminal Warehouse Co., now assigned March 20, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-F-11887, Hilt Truck Line, Inc.—Purchase—West Suburban Motor & MC-124211 Sub 227, Hilt Truck Line, Inc., now assigned March 25, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC 39568 Sub 10, Arrow Transfer & Storage Co., now assigned March 14, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

MC 103926 Sub 29, W. T. Mayfield Sons Trucking Company, now assigned March 18, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

MC 111201 Sub 16, J. N. ZELLNER & SON TRANSFER CO., now assigned March 11, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3301 Filed 2-8-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1974.

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 on or before February 26, 1974.

FSA No. 42801—Iron or Steel Pipe and Related Articles to Colley, Louisiana. Filed by Southwestern Freight Bureau, Agent (No. B-457), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from points in official (including Illinois), southern, and western trunk-line territories, to Colley, Louisiana.

Grounds for relief—Rate relationship. Tariff—Supplement 32 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080. Rates are published to become effective on March 6, 1974.

FSA No. 42802—Free Time Allowance and Charges for Detention of Equipment

on Fertilizers and Other Related Articles, Dry. Filed by Pacific Southcoast Freight Bureau, Agent (No. 268), for interested rail carriers. Free time allowance and charges for detention of equipment on fertilizers and other related articles, dry, between points in California, and points in Oregon and Washington.

Grounds for relief—Application of demurrage provision.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3298 Filed 2-8-74;8:45 am]

[Notice 20]

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 March 4, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74799. By order of February 4, 1974, the Motor Carrier Board approved the transfer to Fleet Service Co., Inc., Wheeling, W. Va., of Certificate No. MC-129399 issued September 17, 1968, to Kenneth McGrath, Wheeling, W. Va., authorizing the transportation of wrecked or disabled motor vehicles from points in a described part of Ohio to points in Ohio County, W. Va. Mr. William J. Ihlenfeld, Attorney for Transferor, 412 Riley Law Building, Wheeling, W. Va. 26003; Mr. Lester C. Hess, Jr., Attorney for Transferor, 1226 Chapline Street, Wheeling, W. Va. 26003.

No. MC-FC-74801. By order entered January 11, 1974, the Motor Carrier Board approved the transfer to Trinity, Inc., Framingham, Mass., of that portion of the operating rights set forth in Certificate No. MC-25399 (Sub-No. 6), issued November 19, 1971, to A-P-A Transport Corp., North Bergen, N.J., authorizing the transportation of commodities which because of size or weight require the use of special equipment from, to, or between points in Massachusetts, New York, Rhode Island, Connecticut, New Hampshire, Vermont, and New Jersey; and heavy machinery and

parts thereof, from New Britain, Conn., to Albany, N.Y. Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-74810. By order entered January 30, 1974, the Motor Carrier Board approved the transfer to Reliance Motor Express, Inc., Cambridge, Mass., of the operating rights set forth in Certificate No. MC-41365 and Certificate of Registration No. MC-41365 (Sub-No. 2), issued by the Commission January 2, 1962, and June 1, 1964, respectively, to Essex Express, Inc., Lawrence, Mass., authorizing the transportation of general commodities, from, to, or between points in Massachusetts. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-74917. By order entered February 2, 1974 the Motor Carrier Board approved the transfer to Stony's Trucking Co., North Jackson, Ohio, of the operating rights set forth in Certificate No. MC-75816 (Sub-No. 1), issued November 21, 1963, to Humes Transfer Co., Steubenville, Ohio, authorizing the transportation of steel and metal and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tin plate, terne plate, fertilizer, strip steel, and ferro-alloys, from, to, or between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, and West Virginia. A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-74944. By order of February 5, 1974, the Motor Carrier Board approved the transfer to Brust Transporters, Inc., West Long Branch, N.J., of the operating rights in Certificate No. MC-9645 issued May 19, 1953, to Brust Express, Inc., Long Branch, N.J., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, specified points and areas in New Jersey. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, representative of applicants.

No. MC-FC-74957. By order entered February 5, 1974, the Motor Carrier Board approved the transfer to Lensey Elias Vinson, doing business as L. E. Vinson Farms, Woodland, N.C., of the operating rights set forth in Certificates Nos. MC-59263 and MC-59263 (Sub-No. 3), issued by the Commission May 15, 1959, and December 8, 1960, respectively, to Hill's Truck Lines, Inc., Murfreesboro, N.C., authorizing the transportation of general commodities, with specified exceptions, fruit and vegetable packages, peanuts, baled cotton, fertilizer, baskets, hampers, nested boxes, cottonseed meal, livestock, fertilizer materials, agricultural commodities, crates, crate materials, household goods, and hardboard, from, to, or between points and places in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Charles B. Morris, Jr., P.O.

Box 709, Raleigh, N.C. 27602, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3366 Filed 2-8-74;8:45 am]

[Notice 19]

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 February 28, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74902. By order of February 1, 1974, the Motor Carrier Board approved the transfer to Red Line Furniture Carriers, Inc., Wyncote, Pa., of Certificates Nos. MC-80289, MC-80289 (Sub-No. 1), MC-80289 (Sub-No. 3), and MC-80289 (Sub-No. 4) issued June 7, 1948, October 17, 1941, February 17, 1949, and May 12, 1950, respectively, to Harry Kovler, doing business as Red Line Furniture Carriers, Philadelphia, Pa., authorizing the transportation of printing machinery, furniture frames, new furniture, metal cabinets, and similar specified commodities between Philadelphia, Pa., on the one hand, and, on the other, points in various States including Delaware, Maryland, New York, Connecticut, New Jersey, Virginia, and the District of Columbia—Mr. Charles T. Kovler, Attorney at Law, 9731 Susan Road, Philadelphia, Pa. 19115.

No. MC-FC-74910. By order of February 1, 1974, the Motor Carrier Board approved the transfer to Akron Cartage Company, Inc., of Certificate No. MC-123200 issued to Russell M. Magaw, dba Akron Cartage, Akron, Ohio, authorizing the transportation of: Meat, meat products, etc., from Akron, Ohio, to specified points and areas in Ohio, and Pennsylvania—Nickolas P. Andreeff, Attorney, 1500 1st National Tower, Akron, Ohio 44308.

No. MC-FC-74945. By order entered February 1, 1974, the Motor Carrier Board approved the transfer to International Contract Carriers, Inc., Omaha, Nebr., of the operating rights set forth in Permit No. MC-125785 (Sub-No. 13),

issued June 29, 1973, to Saturn Express, Inc., Omaha, Nebr., authorizing the transportation of metal buildings and parts thereof, from the plant sites and storage facilities of Stran Steel Corporation, at Houston, Tex., to points in Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina, restricted to a transportation service to be performed under a continuing contract, or contracts, with Stran Steel Corporation, Houston, Tex.—Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106.

No. MC-FC-74954. By order of February 1, 1974, the Motor Carrier Board approved the transfer to Robert P. Allen, Baltimore, Md., of the operating rights in Certificates No. MC-123078 and MC-123078 (Sub-No. 1) issued March 8, 1961, and May 25, 1962, respectively to Evan D. Wheeler, doing business as E. D. Wheeler & Sons, Baltimore, Md., authorizing the transportation of wrecked and disabled motor vehicles between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia—William J. Little, 10 East Baltimore St., Baltimore, Md. 21202, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3299 Filed 2-8-74;8:45 am]

[Notice 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22301 (Sub-No. 18 TA), filed January 23, 1974. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben Street, P.O. Box 3088 (Box zip 51102), Sioux City, Iowa 51105. Applicant's representative: John E. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Campbell Soup Co. at or near Omaha, Nebr., to Milwaukee, New Berlin, Waukesha, and Wauwatosa, Wis., for 180 days. SUPPORTING SHIPPER: Campbell Soup Company, R. J. Lloyd, Manager—Distribution, Nebraska Plants, 1202 Douglas St., Omaha, Nebr. 68102. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 32882 (Sub-No. 73 TA), filed January 25, 1974. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, Ore. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engineered kiln stickers*, from Portland, Ore., to points in Oregon, Washington, Idaho, Montana, Utah, Wyoming, Colorado, Nevada, Arizona, California, and New Mexico, for 180 days. SUPPORTING SHIPPER: Simpson Timber Co., 2000 Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: District Supervisor Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 S.W. Yamhill, Portland, Ore. 97204.

No. MC 51146 (Sub-No. 355 TA), filed January 25, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Buffalo, N.Y., to points in Ohio, Michigan, Indiana, Illinois, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Rich Products Corporation, P.O. Box 245, Buffalo, N.Y. 14240 (Lawrence R. Frye, General Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 356 TA), filed January 25, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298 (Box zip 54306), Green Bay, Wis. 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat*

by-products and articles distributed by meat packing companies, from Austin, Minn., to Caribou, Maine; Syracuse, Auburn, and Brooklyn, N.Y.; North Haledon, Haledon, Elizabeth, Newark, Kearney, and Woodbridge, N.J.; Bellwood, Punxsutawney, New Bethlehem, New Castle, Pittsburgh, McKeesport, East Greensburg, and Belle Vernon, Pa., for 180 days. SUPPORTING SHIPPER: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912 (Christopher Thissen, Supervisor-Distribution Services). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 85788 (Sub-No. 7 TA), filed January 23, 1974. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, Nebr. 68354. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common 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 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sunflower Beef Packers, Inc., at or near York, Nebr., to points in Illinois, Wisconsin, Minnesota, Kansas, Missouri, Michigan, and Iowa, for 180 days. SUPPORTING SHIPPER: Sunflower Beef Packers, Inc., G. Merritt Otoupal, Traffic Manager, York, Nebr. 68467. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 103051 (Sub-No. 300 TA), filed January 22, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Pierce, Fla., to points in Georgia, for 180 days. SUPPORTING SHIPPER: Ashland Chemical, Inc., P.O. Box 2219, Columbus, Ohio 43216. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37202.

No. MC 107460 (Sub-No. 47 TA), filed January 23, 1974. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and accessories thereof and fabricated metal products*, from the plant site of Fabral Corporation located at or near Gridley, Ill., to points

in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin and (2) *Materials and supplies* used in the manufacture of metal roofing, from points in Michigan, New York, Ohio, and Pennsylvania, to the plant site of Fabral Corporation located at or near Gridley, Ill., for 180 days. SUPPORTING SHIPPER: Fabral Corporation, P.O. Box 310, Gridley, Ill. 61744. SEND PROTESTS TO: District Supervisor Robert P. Amerine, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 107496 (Sub-No. 933 TA), filed January 25, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from Baxter, Iowa, to Ravanna, Mo., for 150 days. SUPPORTING SHIPPER: Gooch Feed Mill Corporation, Baxter, Iowa 50028. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109397 (Sub-No. 289 TA) (correction), filed December 14, 1973, published in the FEDERAL REGISTER issue of January 11, 1974, and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112.

NOTE.—The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a *contract carrier*, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 112617 (Sub-No. 311 TA) (Correction), filed January 9, 1974, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as corrected this issue. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395 (Box Zip 40221), Louisville, Ky. 40219. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, from Maysville, Ky., to Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: Mr. David J. Hurlbut, Manager, Rail Truck Distribution, Cargill, Incorporated, Cargill Bldg., Minneapolis, Minn. 55402. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

NOTE.—The purpose of this republication is to add Cargill, Incorporated to the rest of the supporting shipper information, which was omitted in previous publication.

No. MC 114334 (Sub-No. 25 TA), filed January 23, 1974. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire mesh*, from Memphis, Tenn., to points in Missouri, west of Missouri Highway 51 (except St. Louis and Kansas City, Mo., and the commercial zones thereof), for 180 days. SUPPORTING SHIPPER: Primary Steel, Inc., 2672 Channel Avenue, Memphis, Tenn. 38113. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 114457 (Sub-No. 182 TA), filed January 25, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. 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: *Mineral wool, mineral wool products, insulating material, and insulated air duct*, from Kansas City, Kans., to points in Illinois (except Chicago), Indiana, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: Certain-Teed Products, P.O. Box 15080, Kansas City, Kans. 66115. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 183 TA), filed January 25, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. 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: *Frozen vegetables*, from Grand Island, York, and Omaha, Nebr., and Kansas City, Mo., to Lincoln and Omaha, Nebr.; Huron, S. Dak.; Minneapolis-St. Paul, Minn.; Chicago, Ill.; South Bend and Indianapolis, Ind.; Baltimore, Md.; points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, New Jersey, and New York, for 180 days. SUPPORTING SHIPPER: Delicious Foods Co., Box 730, Grand Island, Nebr. 68801. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115840 (Sub-No. 94 TA), filed January 22, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, West, P.O. Box 10327, Birmingham, Ala. 35205. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities in bulk), from Port Bienville located at or near Pearlinton, Miss., to points in Alabama, Florida, and Tennessee (except Birmingham, Ala., and points within 10 miles thereof; Mobile, Ala.; and points on the Mississippi and Tennessee Rivers in Tennessee already authorized), for 180 days. SUPPORTING SHIPPER: Port Bienville Terminals, Inc., P.O. Box 128, Pearlinton, Miss. 39572. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118038 (Sub-No. 7 TA), filed January 25, 1974. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans*, from Vancouver and/or Yakima, Wash., to Coeur D'Alene, Idaho, for 180 days. SUPPORTING SHIPPER: Lamello Reserves, P.O. Box 1354, Coeur D'Alene, Idaho 83814. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Ore. 97204.

No. MC 118142 (Sub-No. 62 TA), filed January 25, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and textile products*, from the manufacturing and storage facilities of General Carpet Corporation at Gainesville, Ga., to Dallas and Fort Worth, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Salt Lake City, Utah; Eugene, Ore.; and Seattle, Wash., for 180 days. SUPPORTING SHIPPER: General Carpet Corporation, P.O. Box 1497, Gainesville, Ga. 30501. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118178 (Sub-No. 19 TA), filed January 25, 1974. Applicant: BILL MEEKER, 1632 North Mosley, P.O. Box 11184, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, (except hides and commodities in bulk), from the plant site and storage facilities of Dubuque Packing Co. at Wichita, Kans., to points in Kentucky, Ohio, Iowa, and Illinois, for 180 days. SUPPORTING SHIPPER: Dubuque Packing Company, 1410 East 21st Street, Wichita, Kans. 67214. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118431 (Sub-No. 17 TA), filed January 23, 1974. Applicant: DENVER SOUTHWEST EXPRESS, INC., 8716 L Street, Omaha, Nebr. 68127. Applicant's representative: David R. Parker, 605 South 14th Street, P.O. Box 32028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities utilized by Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Oklahoma and Texas, or 180 days. SUPPORTING SHIPPER: Kitchens of Sara Lee, Charles G. Sladek, Traffic Services Supervisor, 500 Waukegan Road, Deerfield, Ill. 60015. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street Omaha, Nebr. 68102.

No. MC 119038 (Sub-No. 1 TA), filed January 22, 1974. Applicant: EAGLE TRANSFER CO., a Corporation, 234 South Columbia St., Wenatchee, Wash. 98001. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having prior or subsequent movement in containers beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, and decontainerization or unpacking, uncrating, and decontainerization of such traffic, between points in Chelan, Douglas, Okanogan, and Kittitas Counties, Wash., for 180 days.

NOTE.—Applicant intends to interline at Wenatchee, Wash. SUPPORTING SHIPPER: Asiatic Forwarders, Inc., 335 Valencia St., San Francisco, Calif. 94103; Rocky Ford Moving Vans, Inc., 3811 West Industrial Avenue, Midland, Tex. 79701; Imperial Van Lines International, Inc., P.O. Box 20124, 9675 Fourth Street North, St. Petersburg, Fla.; Karevan, Inc., Bldg. 41, Pier 91, P.O. Box 9240, Seattle, Wash. 98109; Door to Door International, Inc., 7109 Woodlawn Ave. NE., Seattle, Wash. 98115; and Fairchild Air Force Base, Base Procurement Office, Spokane, Wash. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 119761 (Sub-No. 3 TA), filed January 25, 1974. Applicant: RONALD FITZGERALD, doing business as G & M CARRIERS, Sabin, Minn. 56580. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and articles* dealt in by wholesale malt beverage distributors, from St. Louis, Mo., to Moorhead, Minn., and (2) *Empty malt beverage containers*, from Moorhead, Minn., to St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: D-S Beverages, Inc., 324 Sixteenth Street

North, Moorhead, Minn. 56560. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123048 (Sub-No. 289 TA), filed January 21, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and equipment, parts and attachments* for agricultural machinery and equipment, moving in mixed loads with agricultural machinery and equipment, from Pepin, Wis., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania, and South Dakota, for 180 days. SUPPORTING SHIPPER: Northern Wisconsin Manufacturing Company, P.O. Box 158, Pepin, Wis. 54759. (George E. Frenchick, Sales Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123115 (Sub-No. 8 TA), filed January 23, 1974. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South Rock Blvd., Sparks, Nev. 89431. Applicant's representative: Ben Parker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings or houses*, knocked down or in sections, *parts and attachments thereof, and materials, equipment, and supplies* for the sale, distribution, and installation of buildings or houses, from Chehalis, Wash., to points in Nevada and to points in Placer, Nev., and Sierra County, Calif., for 180 days. SUPPORTING SHIPPER: West Coast Mills, Inc., Armin Richter & Associates, Inc., P.O. Box 1562, Reno, Nev. 89505. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 126489 (Sub-No. 20 TA), filed January 22, 1974. Applicant: GASTON FEED TRANSPORTS, INC., 1203 W. 4th Street, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the plantsite and/or storage facilities of Xtra Factors, Inc. located at or near Pratt, Kans., to points in Wyoming, Montana, South Dakota, and Iowa, for 180 days. SUPPORTING SHIPPER: Xtra Factors, Inc., Pratt, Kans. 67124. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128951 (Sub-No. 9 TA), filed January 25, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and liquid feed and liquid feed ingredients*, in bulk, from Savage, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Cargill, Incorporated, Cargill Bldg., Minneapolis, Minn. 55402. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 129876 (Sub-No. 9 TA), filed January 17, 1974. Applicant: DuBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank type vehicles, from Albany, N.Y., commercial zone; Newington, N.H.; South Portland, Maine; and Comstock, N.Y., to Barre, Barre Town, Berlin, Montpelier, Northfield, and Williamstown, Vt., for 180 days. SUPPORTING SHIPPER: Vermont Petroleum, Inc., Burlington Road, Montpelier, Vt. 05602. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 133549 (Sub-No. 3 TA) (correction), filed January 3, 1974, published in the FEDERAL REGISTER issues of January 22, 1974 and January 28, 1974, and republished as corrected this issue. Applicant: STANLEY L. BERVEN, 117 Fairview Drive, South Sioux City, Nebr. 68776. Applicant's representative: Steward A. Huff, 314 Security Bank Building, Sioux City, Iowa 51101.

NOTE.—The purpose of this partial republication is to show the applicant correct name as STANLEY L. BERVEN, in lieu of STANLEY L. VERVEN, which was published in the FEDERAL REGISTER in error. The rest of the publication will remain the same.

No. MC 134308 (Sub-No. 7 TA), filed January 23, 1974. Applicant: CADDO EXPRESS, INC., 1257 E. Reno, Oklahoma City, Okla. 73100. Applicant's representative: Benjamin E. Butts, 116 W. 8th Street, Chandler, Okla. 74834. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, between Buffalo, Okla., and Coldwater, Kans., as follows: from Buffalo, Okla., via U.S. Highway 183 to junction U.S. Highway 160 near Sitka, Kans., thence via U.S. Highways 160 and 183 to Coldwater, Kans., and return, serving all intermediate points, and serving the off-route

points of Ashland and Protection, Kans., for 180 days.

NOTE.—Applicant intends to tack with MC 134308 Sub 6 at Buffalo, Okla. and interline at Coldwater, Kans.

SUPPORTING SHIPPERS: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 134614 (Sub-No. 6 TA), filed January 25, 1974. Applicant: SELLAND AUTO TRANSPORT, INC., 6560 Fifth Avenue South, Seattle, Wash. 98108. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles and light-duty trucks*, between points in Washington, Oregon, Idaho, and Montana, for 180 days. **SUPPORTING SHIPPERS:** Nissan Motor Corporation in USA, P.O. Box 191, Gardena, Calif. 90247; Volvo Western Distributing, Inc., P.O. Box 25220, Portland, Oreg. 97225; South Seattle Auto Auction, Inc., 10844 East Marginal Way South, Seattle, Wash.; and British Motor Car Distributors, Inc., 2300 7th Avenue, Seattle, Wash. **SEND PROTESTS TO:** L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134645 (Sub-No. 6 TA), filed January 24, 1974. Applicant: LIVE-STOCK SERVICE, INC., 1420 Second Avenue South, P.O. Box 944, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission 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 hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia, for 180 days. **SUPPORTING SHIPPER:** John Morrell & Co., 208 So. La Salle St., Chicago, Ill. 60604. **SEND PROTESTS TO:** A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135248 (Sub-No. 9 TA), filed January 22, 1974. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, P.O. Box 446, Worland, Wyo. 82401, Applicant's representative: Robert S. Stauffer, 3539 Boston

Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, from Worland, Wyo., to points in Washington; (2) *Malt beverages and advertising materials* when moving with malt beverages, from Tumwater and Olympia, Wash., to Worland, Wyo.; and (3) *Waste products*, for recycling or reuse in furtherance of recognizable pollution control program, and recycled or reusable products, between points in Colorado, Idaho, South Dakota, Nebraska, Montana, Utah, and Wyoming, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) located west of the eastern boundaries of Iowa, Minnesota, Illinois, Arkansas, and Louisiana, for 180 days. **SUPPORTING SHIPPERS:** Friedman & Son, Inc., 2345 Walnut Street, Denver, Colo. 80205; Packaging Corp. of America, 5501 Brighton Blvd., Commerce City, Colo. 80022; Teton Distributors, Inc., 821 Pulliam Ave., Worland, Wyo. 82401; and Admiral Beverage Corp., Box 726, Worland, Wyo. 82401. **SEND PROTESTS TO:** District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Bldg. and Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 136989 (Sub-No. 7 TA), filed January 18, 1974. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth Dr., NE, Albuquerque, N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering (except carpeting and rugs)*, from the plant site of Mannington Mills, Inc., at or near Salem, N.J., to points in California, Oregon, Washington, Arizona, Nevada, Utah, New Mexico, Colorado, Idaho, and Montana, for the account of Mannington Mills, Inc., for 180 days. **SUPPORTING SHIPPER:** Mannington Mills, Inc., Salem, N.J. 08079. **SEND PROTESTS TO:** William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139005 (Sub-No. 1 TA), filed January 21, 1974. Applicant: JAMES D. HOELZMAN, doing business as SCRAP HAULERS, 13840 S. Halsted, Riverdale, Ill. 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* having no commercial value except for remelting purposes, in bulk, in dump vehicles, between Chicago, Ill., and points in Indiana and Michigan, for 150 days. **SUPPORTING SHIPPERS:** General Iron Industries, Inc., 2439 N. Leavitt, Chicago, Ill., and Well Manufacturing Company, 7800 North Austin Ave., Skokie, Ill. **SEND PROTESTS TO:** Robert G. Anderson, District Supervisor, In-

terstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139420 (Sub-No. 1 TA), filed January 25, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies*, from points in Park County, Wyo., to points in North Dakota and those points in Minnesota on and west of U.S. Highway 71 which are on and north of U.S. Highway 12, for 180 days. **SUPPORTING SHIPPER:** Greenberg Roofing and Sheet Metal Company, 1810 North Sixth Street, Grand Forks, N. Dak. 58201. **SEND PROTESTS TO:** J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139447 (Sub-No. 1 TA), filed January 22, 1974. Applicant: ED BARTH, doing business as GENERAL DISTRIBUTORS, South Maple Street, Mulberry Grove, Ill. 62262. Applicant's representative: Missouri-Illinois Traffic Bureau, 633 Collinsville Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump vehicles only, from St. Louis, Mo., to points in Illinois, Arkansas, Indiana, and Missouri, for 180 days. **SUPPORTING SHIPPER:** Gerald K. Gunther, President, Gunther Salt Company, 920 South Second Street, St. Louis, Mo. 63102. **SEND PROTESTS TO:** Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 139399 (Sub-No. 1 TA), filed January 22, 1974. Applicant: O. L. COATS, J. L. COATS and L. O. COATS, doing business as O. L. COATS, 100 South Chicago, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, from Barnett Feed Yards, Inc., at or near Hagerman, N. Mex., to Hi-Plains Feed Yard, Inc., at or near Friona, Tex., for 180 days. **SUPPORTING SHIPPER:** Wayne Moore, Mill Manager, Barnett Feed Yards, Inc., Box 384, Hagerman, N. Mex. 88232. **SEND PROTESTS TO:** District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-3295 Filed 2-8-74; 8:45 am]

[Notice 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 4, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 111 TA), filed January 17, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a Corporation, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*; (2) *Dairy products*; (3) *Articles distributed by packing houses*; and (4) *Such commodities as are used by meat packers in the conduct of their business destined to and for use by meat packers, from Billings, Mont., to points in Spokane, Franklin, King, Thurston, Pierce, and Snohomish Counties, Wash.; Multnomah and Marion Counties, Oreg.; Ward, Burley, Cass, and Grand Forks Counties, N. Dak.; Rapid City, Pierre, Sioux Falls, and Watertown, S. Dak.; Roswell, Alamogordo, Santa Fe, and Albuquerque, N. Mex.; points in California, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Illinois, Wisconsin, Ohio, Michigan, New Jersey, Indiana, and Colorado, for 180 days. SUPPORTING SHIPPER: Pierce Packing Company, Billings, Mont. 59101, and Midland Empire Packing Company, Billings, Mont. 59101. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.*

No. MC 28088 (Sub-No. 6 TA), filed January 24, 1974. Applicant: NORTH & SOUTH LINES, INCORPORATED, Mail: P.O. Box 49, Office: 1610 South Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed materials* (other than for human consumption), except in bulk and tank vehicles, from points in Georgia, North Carolina, and South Carolina, to points in Virginia, Pennsylvania, Maryland, and West Virginia, for 180 days. SUPPORTING SHIPPER: O. S. Sanger, P.O. Box 405, Harrisonburg, Va. 22801. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 52460 (Sub-No. 138 TA), filed January 23, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material and empty containers* returned, from Memphis, Tenn., to Kansas City and Topeka, Kans., for 180 days. SUPPORTING SHIPPER: W. E. Cooke, President, Cooke Sales Inc., 1444 Kansas Ave., Kansas City, Kans. 66119. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 110420 (Sub-No. 698 TA), filed January 21, 1974. Applicant: QUALITY CARRIERS, INC., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Off: I-94 County Highway C, Bristol, Kenosha Co., Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Oconomowoc, Wis., to Jonesboro, Ark., for 180 days. SUPPORTING SHIPPER: Moraine Industries, Inc., 1212 West Second Street, Oconomowoc, Wis. 53066 (T. J. Zimmerman, Plant Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 699 TA), filed January 25, 1974. Applicant: QUALITY CARRIERS, INC., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Off: I-94 County Highway C, Bristol Kenosha Co., Wis. 53104. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude*

vegetable oil, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: CPC International, Inc., Englewood Cliffs, N.J. 07632 (Roger V. Haugen, Assistant Transportation Mgr., Motor Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 113059 (Sub-No. 5 TA), filed January 22, 1974. Applicant: KELLER TRANSPORT, INC., Mail: Route 1, Katy Lane, Billings, Mont. 59102. Applicant's representative: F. E. Keller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from ports of entry on the United States-Canada International Boundary line situated in Montana, to points in Montana and Idaho, for 180 days. SUPPORTING SHIPPERS: Town Pump, Inc., 600 S. Main St., Butte, Mont. 59701; Pacific Northwest Distributing, Box 53, Parkwater Station, Spokane, Wash. 99211; and Caribou Four Corners, Inc., P.O. Box 3045, Great Falls, Mont. 59403. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 113908 (Sub-No. 300 TA), filed January 23, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude soybean oil*, in bulk, from Fredonia and Wichita, Kans., to Dallas, Tex., for 180 days. SUPPORTING SHIPPER: The Proctor & Gamble Manufacturing Company, P.O. Box 599, Cincinnati, Ohio 45201. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117613 (Sub-No. 16 TA), filed January 29, 1974. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* used in the manufacture, packaging, and distribution thereof, *tank bark and marble chips*, from points in Caroline County, Va., to points in Delaware, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: William C. Eckardt, Jr., General Manager, Homcrete Division, G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bu-

reau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 119641 (Sub-No. 117 TA), filed January 25, 1974. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Marshall D. Becker, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hay handling and processing equipment and attachments*, from Lincoln, Nebr., to points in the United States east of the boundary lines of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, not including those States, for 180 days.

NOTE.—The only tacking that will be done will be at border points serving Quebec and Ontario Provinces, Canada. Ringle has authority to provide service in these two Provinces.

SUPPORTING SHIPPER: McKee Bros. Limited, #54 Oriole Parkway, Elmira, Ontario, Canada. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 119808 (Sub-No. 9 TA), filed January 24, 1974. Applicant: DuBOIS TRUCKING, INC., Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and feed*, in bulk and in bags, from St. Albans, Vt., to points in New Hampshire, for 180 days. SUPPORTING SHIPPER: Agway, Inc., Woodsville, N.H. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 124796 (Sub-No. 109 TA) (correction), filed January 10, 1974, published in the FEDERAL REGISTER issue of January 28, 1974, and republished as corrected this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant).

NOTE.—The purpose of this partial republication is to show that the applicant seeks to operate as a *contract carrier*, in lieu of common carrier which was published by the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 134405 (Sub-No. 18 TA), filed January 22, 1974. Applicant: BACON TRANSPORT COMPANY, a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 Foundation Life Building, 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (except petroleum

based fertilizer), from Chickasha, Okla., to points in Arkansas, for 180 days. SUPPORTING SHIPPER: Mike Gonzales, Supv. Truck Transportation, Occidental Chemical Company, P.O. Box 1185—4671 SW., Freeway, Houston, Tex. 77001. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW., Third, Oklahoma City, Okla. 73102.

No. MC 134631 (Sub-No. 21 TA), filed January 24, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph, television, and stereo cabinets and equipment, record changer bases and speaker boxes*, from Arcadia, Wis., to Pacoima, Chatsworth, and City of Industry, Calif., Atlanta, Ga., Dallas, Tex., Miami, Fla., Brooklyn and Glendale, N.Y., Bayonne and Jersey City, N.J., and Framingham, Braintree, Cambridge, and Boston, Mass., for 180 days. SUPPORTING SHIPPER: Winona Industrial Sales, Corp., 602 East Front Street, Winona, Minn. 55987. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138230 (Sub-No. 3 TA), filed January 24, 1974. Applicant: CYNTHIA S. TRAYNER, doing business as DICK TRAYNER AND SONS TRUCKING, 630 Oakwood Avenue, Suite 127, West Hartford, Conn. 06110. Applicant's representative: John E. Fay (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shale*, between Cohoes, N.Y., Poughkeepsie, N.Y., Plainville, Mass., and Warwick, R.I., on the one hand, and, on the other, Uncasville, Conn., under continuing contract with Thames Permacrete Corp., Uncasville, Conn., for 180 days. SUPPORTING SHIPPER: Thames Permacrete Corporation, 105 Pink Row, Uncasville, Conn. 06382. SEND PROTESTS TO: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC 138546 (Sub-No. 2 TA), filed January 23, 1974. Applicant: HANNA TRUCKING CO., INC., 283 Main Street, Brookville, Pa. 15825. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Armstrong County, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y., for 180 days. SUPPORTING SHIPPER: The Sheridan Coal Sales Company, Inc., 2070 Sheridan Drive, Buffalo, N.Y. 14223. SEND PROTESTS TO: James C. Donaldson, District Supervisor, Inter-

state Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 138736 (Sub-No. 6 TA), filed January 28, 1974. Applicant: F B M TRUCKING, INC., 310 East Lanier Street, Fayetteville, Ga. 30214. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30341. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste material*, having value only for conversion into fibre or for reclamation of raw materials, from points in Alabama, Georgia, North Carolina, Virginia, and South Carolina, to the plant-site of Pacific Upholstery Supply Corp. at Gardena, Calif., for 180 days. SUPPORTING SHIPPER: Pacific Upholstery Supply Corp., 15151 So. Main St., Gardena, Calif. 90247. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 139412 (Sub-No. 1 TA) (Correction), filed January 8, 1974, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as corrected this issue. Applicant: MACKEY T. STINNETT, c/o Wagner Electric Sales Corporation, 3836 Northeast Freeway Access Road, Atlanta, Ga. 30340. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309.

NOTE.—The purpose of this partial republication is to show the applicant correct MC number as No. MC 139412 (Sub-No. 1 TA), in lieu of MC 139397 TA, which was published in the FEDERAL REGISTER in error. Applicant's name also change to MACKEY STINNETT, c/o Wagner Electric Sales Corporation, in lieu of MACKEY STINNETT, doing business as WAGNER ELECTRIC SALES CORPORATION, which was published in the FEDERAL REGISTER in error. The rest of the publication will remain the same.

MOTOR CARRIERS OF PASSENGERS

No. MC 108570 (Sub-No. 5 TA), filed January 29, 1974. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Route 1, Knoxville, Maryland 21758. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Charles Town, W. Va., and Penn National Race Course, Pa.: From Charles Town, W. Va., over West Virginia Highway 9 to Martinsburg, W. Va., thence over Interstate Highway 81 to its junction with Pennsylvania Highway 743, thence over Pennsylvania Highway 743 to Penn National Race Course, Pa., and return over same route, serving the intermediate points of Martinsburg, W. Va., and Hagerstown, Md., for 180 days. SUPPORTING SHIPPER: John Shumaker, President, c/o Penn National Race Course, P.O. Box 100, Grantsville, Pa. 17038. SEND PROTESTS TO: Robert

D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139431 TA (Correction), filed January 16, 1974, published in the FEDERAL REGISTER Notice No. 15, dated January 29, 1974, and republished as corrected this issue. Applicant: ED SITNER, C. L. SUMMERFIELD, AND LLOYD HALL, an Association, doing business as WYMO TRANSPORTATION, 41 East Burkitt, Sheridan, Wyo. 82801. Applicant's representative: Bruce P. Badley (same address as above).

NOTE.—The purpose of this partial republication is to show the applicant correct name as ED SITNER, C. L. SUMMERFIELD, AND LLOYD HALL, an Association, doing business as WYMO TRANSPORTATION, in lieu of WYMO TRANSPORTATION, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-3296 Filed 2-8-74; 8:45 am]

[Notice 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10788 (Sub-No. 5 TA), filed January 28, 1974. Applicant: TOM'S EXPRESS, INC., 422 Coue Road, Weirton, W. Va. 26062. Applicant's representative: Edward R. Kirk, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Ferro alloys* (except in bulk), from the plantsite of the S. H. Bell Company at East Liverpool, Ohio, to points in Pennsylvania, those in Michigan on and south of Michigan Highway 55, and Syracuse, Watervliet, Buffalo, Dunkirk, Elmira, Depew, and East Syracuse, N.Y., for 180 days. SUPPORTING SHIPPER: S. H. Bell Company, Box 7830, 103 Brilliant Ave., Pittsburgh, Pa. 15215. SEND PROTESTS TO: Joseph A. Nigemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 102616 (Sub-No. 894 TA), filed January 24, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: James Annand, 215 East Waterloo Road, Akron, Ohio 44319. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicles, from Heath, Ohio, to Winchester, Ind., for 180 days. SUPPORTING SHIPPER: Keenan Oil Company, Inc., 2350 Seymour Avenue, Cincinnati, Ohio 45212. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 109397 (Sub-No. 290 TA), filed January 29, 1974. Applicant: TRISTATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, E. on Interstate Business I-44, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste materials*, from points in Wisconsin, Ohio, New York, Pennsylvania, Connecticut, Massachusetts, and Virginia, to the facilities of Nuclear Engineering Company, Inc., near Morehead, Ky. and (2) *empty shipping containers*, from the facilities of Nuclear Engineering Company, Inc., near Morehead, Ky., to points in Wisconsin, Ohio, New York, Pennsylvania, Connecticut, Massachusetts, and Virginia, for 180 days. SUPPORTING SHIPPER: Nuclear Engineering Company, Inc., P.O. Box 146, Morehead, Ky. 40351. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 112016 (Sub-No. 8 TA), filed January 28, 1974. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail ready-to-wear apparel stores and supplies used in the conduct of such business,

between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, Dalton, Ga., for 90 days.

NOTE.—The proposed service is to be performed in connection with the transportation now being undertaken by applicant for its contract shipper under Permit MC 112016 (Sub-No. 6).

SUPPORTING SHIPPER: Jubilee Shops, Inc., 80 Enterprise Avenue, Secaucus, N.J. 07094. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112617 (Sub-No. 312 TA), filed January 28, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395 (Box zip 40221), 1292 Fern Valley Road, Louisville, Ky. 40219. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from the plant site of the General Electric Co., at or near Mt. Vernon, Ind., to Wichita, Kans., for 180 days. SUPPORTING SHIPPER: John E. DeMaria, Manager-Distribution, General Electric Co., Lexan Lane, Mt. Vernon, Ind. 47620. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 118989 (Sub-No. 103 TA), filed January 28, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle St., 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*, from the plant and warehouse sites of Stokely-Van Camp, Inc., at Indianapolis, Ind., to Lawrence, Kans.; Scottville, Hart, and Crosswell, Mich.; and Curtice, Norwalk, and Paulding, Ohio, for 180 days. SUPPORTING SHIPPER: Stokely-Van Camp, Inc., 941 Meridian Street, Indianapolis, Ind. (James P. Grogan, General Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 575 TA), filed January 25, 1974. Applicant: SCHWERTMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: W. H. Quirnbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate*, in bulk, from Greencastle, Ind., to Lewisburg, Ohio, for 180 days. SUPPORTING SHIPPER: Henwood Feed Additives, Inc., P.O. Box 577, 211 Western Road, Lewisburg, Ohio 45338 (Walter H. Henwood, President). SEND

PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 127651 (Sub-No. 20 TA), filed January 24, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marsfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Onalaska, Wis., to Neosha, Kans., and Beatrice and Omaha, Nebr., for 180 days. **SUPPORTING SHIPPER:** Erickson Hardwoods, Inc., 718 Second Avenue South, Onalaska, Wis. 54650. **SEND PROTESTS TO:** Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 128007 (Sub-No. 56 TA), filed January 28, 1974. Applicant: HOFER, INC., 4032 Parkview Drive, P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well sealing mixture*, from the plantsite and/or storage facilities of Gravette Shelling Co., Inc., at Gravette, Ark., to points in Montana, Utah, Arizona, Illinois, Michigan, Ohio, and Florida, for 180 days. **SUPPORTING SHIPPER:** Rotary Drilling Service, Inc., P.O. Box 45286, Tulsa, Okla. 74145. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128007 (Sub-No. 57 TA), filed January 29, 1974. Applicant: HOFER, INC., 4032 Parkview Drive, P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, blood meal, and bone meal*, from Ellis, Mankato, Emporia, Dodge City, Wichita, Hutchinson, Garden City, and Great Bend, Kans., to points in Oklahoma, Missouri, Arkansas, Texas, Nebraska, and Iowa, for 180 days. **SUPPORTING SHIPPER:** Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, Minn. 55435. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 134353 (Sub-No. 4 TA), filed January 23, 1974. Applicant: R & S TRANSFER, INC., Route 1, Forest, Ohio 45843. Applicant's representative: William L. Thorne, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*

beams, columns, purlines, and gifts, and accessories thereto, from the plant site of Midwest Steel Fabricators, Inc., at Springfield, Ohio, to Bay City, Monroe, and Brownstown Township, Mich., Lexington, Ky., and Richmond, Ind., for 180 days. **SUPPORTING SHIPPER:** Midwest Steel Fabricators, Inc., 717 Mount Street, Springfield, Ohio 45505. **SEND PROTESTS TO:** Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, Toledo, Ohio 43604.

No. MC 134404 (Sub-No. 17 TA), filed January 28, 1974. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: James L. Delaney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, tires, hub caps, and battery parts; and materials, supplies, and equipment used or useful in the production, distribution or sale of wheels, tires, hub caps, and battery parts (except in bulk)*, between Amerace Corporation plants in Lineville, Ala., and Piney Flats, Tenn., and the following points: Atlanta, Conyers, McIntyre, Savannah, and Valdosta, Ga.; Deerfield, Kankakee, Olney, and Skokie, Ill.; Anderson, Attjca, and Evansville, Ind.; Lake Charles and New Orleans (Commercial Zone), La.; Baltimore, Md.; Vicksburg, Miss.; Ralston, Nebr.; Butler, East Rutherford, and Trenton, N.J.; Buffalo, Champlain, and New York City (Commercial Zone), N.Y.; Bedford, Bethlehem, Canton, Neville Island, Philadelphia (Commercial Zone), and Reading, Pa.; Charleston, S.C.; Greenville, Johnson City, Kingsport, and Memphis, Tenn.; Borger, Galveston, and Houston, Tex.; Norfolk, Newport News, Portsmouth, and Richmond, Va., for 180 days. **SUPPORTING SHIPPER:** Amerace Corporation, Ace Road, Butler, N.J. 07405, Attn: Donald H. Lotz. **SEND PROTESTS TO:** District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138926 (Sub-No. 3 TA), filed January 28, 1974. Applicant: GENCOM, INC., R.R. #4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Inedible animal fat*, in bulk, between points in Saline County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Texas, Tennessee, Kentucky, Wisconsin, New Mexico, and Colorado; and (B) *Dry meat and bone meal*, in bulk, between points in Carroll County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Texas, Tennessee, New Mexico, Kentucky, Wisconsin, and Colorado, all under a continuing contract with Alvin Hahn and Bill Phillips doing business as Hahn & Phillips Grease Co.,

of Marshall, Mo., for 180 days. **SUPPORTING SHIPPER:** Hahn & Phillips Grease Co., Marshall, Mo. 65340. **SEND PROTESTS TO:** Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 139193 (Sub-No. 4 TA), filed January 25, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packinghouses, and dairy products (except hides and commodities in bulk)*, from Sioux Falls, S. Dak., to points in Connecticut, Massachusetts, and Rhode Island, for 180 days. **SUPPORTING SHIPPER:** Robert L. Lee, Manager—Rates & Services, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. **SEND PROTESTS TO:** William J. Gray, Jr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139415 (Sub-No. 1 TA), filed January 28, 1974. Applicant: DISTRIBUTING SERVICES, INC., P.O. Box 6754, 3500 Cody Road, Columbus, Ga. 31907. Applicant's representative: C. E. Walker, P.O. Box 1085, 307 First National Bank Bldg., Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and goods generally and customarily sold in retail grocery markets*, from Columbus, Ga., to storehouses and commissaries of the military posts of the United States Government located in Georgia and Alabama with authority to handle same goods in return movement, for 180 days. **SUPPORTING SHIPPER:** Anderson Brokerage Company, P.O. Box 4203, 3500 Cody Road, Columbus, Ga. 31904. **SEND PROTESTS TO:** William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 139457 TA, filed January 28, 1974. Applicant: G. L. SKIDMORE, doing business as JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 35, Paris, Tex. 75460. Applicant's representative: Dan Felts, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and/or preserved foodstuffs* and (2) *canned and/or packaged animal food*, from the plant site and storage facilities of the Campbell Soup Company located at or near Paris, Tex., to points in Oklahoma, and returned shipments of the above described commodities, from points in Oklahoma, to the plant site and storage facilities of the Campbell Soup Company

located at or near Paris, Tex., for 180 days. SUPPORTING SHIPPER: Campbell Soup Company, Paris, Tex. 75460. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

MOTOR CARRIERS OF PASSENGERS

No. MC 139455 TA, filed January 25, 1974. Applicant: RALPH OWNBEY, doing business as TWIN STATE COACH LINES, P.O. Box 826, Bristol, Va. 24201. Applicant's representative: Cecil D. Quillen, 103 Jackson Street, Box 337, Gate City, Va. 24251. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

Passengers and their baggage, express and newspapers in the same vehicle with passengers, between the junction of U.S. Highway 58 and U.S. Highway 11 (three (3) miles east of Abingdon, Va.) and Boone, N.C., serving all intermediate points: From the junction of U.S. Highway 58 and U.S. Highway 11 (three (3) miles east of Abingdon, Va.), thence over Virginia Highway 91 to the Virginia-Tennessee State Line, thence over Tennessee Highway 91 to Mountain City, Tenn., thence over U.S. Highway 421 to the junction of North Carolina County Road 1233, thence via North Carolina County Road 1233 through Zionville and Sugar Grove, N.C., to the junction of U.S. Highway 321, thence over U.S. Highway 321 to the junction of U.S. Highway 421

at Villas, N.C., thence over U.S. Highway 421 to Boone, N.C., for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

By The Commission:

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3297 Filed 2-8-74;8:45 am]

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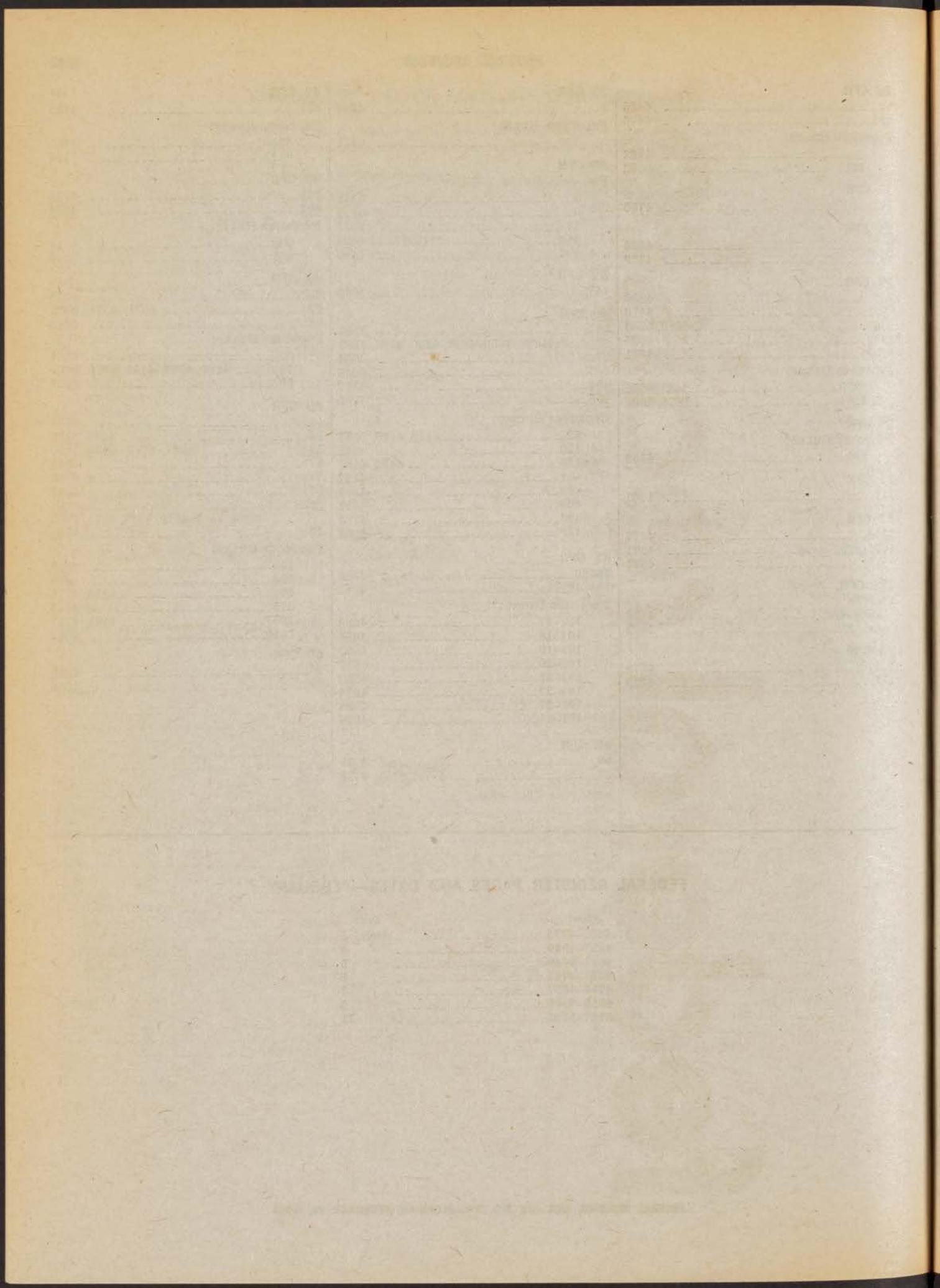
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federal register

MONDAY, FEBRUARY 11, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 29

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation
Service

■

VOCATIONAL REHABILITATION SERVICES FOR SUPPLEMENTAL SECURITY INCOME RECIPIENTS

Proposed Rules

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social and Rehabilitation Service
[45 CFR Part 401]

VOCATIONAL REHABILITATION SERVICES
FOR SUPPLEMENTAL SECURITY IN-
COME RECIPIENTS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of Health, Education, and Welfare. The proposed regulations revise Chapter IV of Title 45 of the Code of Federal Regulations in order to implement section 1615 of the Social Security Act as amended by title III of Pub. L. 92-603, the Social Security Amendments of 1972. The law requires that blind or disabled supplemental security income recipients under the age of 65 be referred to the State agency administering the State plan approved under the Rehabilitation Act of 1973 to determine their need for and ability to utilize vocational rehabilitation services, and authorizes the Secretary to pay the cost of those services. The proposed regulations set forth the conditions under which the cost of vocational rehabilitation services may be paid from funds appropriated for the supplemental security income program.

Part 401 of Chapter IV would be amended by adding a new Subpart E containing §§ 401.120 through 401.127.

Proposed § 401.120 is a general provision containing a statement of the Secretary's authority to reimburse State vocational rehabilitation agencies for the provision of vocational rehabilitation services to selected supplemental security income recipients pursuant to a State plan amendment containing the policies and procedures that would be required by the proposed regulations.

Proposed § 401.121 states the purpose for providing vocational rehabilitation services to recipients, which is to increase their employment capacity to the extent they can engage in productive activity.

Proposed § 401.122 contains definitions of "supplemental security income recipient" and "productive activity".

Proposed § 401.123 sets forth the State plan requirements, which would include selection criteria, the order of selection, the barring of an economic need test, a requirement for prompt provision of services, a requirement concerning the vocational rehabilitation services to be available, and a requirement for sufficient trained and supervised staff.

Proposed § 401.124 contains conditions and limitations to be applied in paying the costs of certain vocational rehabilitation services for which payment is made from supplemental security income funds.

Proposed § 401.125 contains provisions with respect to the payment and distribution of Federal funds to the State agency, including the conditions for which there may be payment for costs of services to a recipient generally, and more specifically, when there has been a

reversal of a determination of ineligibility of a recipient, or there has been a termination of supplemental security income payments.

Proposed § 401.126 requires the submission by the State of a budget estimate.

Proposed § 401.127 requires the State to submit reports as required by the Secretary.

The rules set forth in the proposed regulations will be applied by the Rehabilitation Services Administration in administering the Supplemental Security Income—Vocational Rehabilitation program during the period from January 1, 1974, when the new program became effective, until the regulations are finally adopted.

Prior to the final adoption of the proposed regulations, consideration will be given to any comment, suggestions, or objections thereto which are received in writing by the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, Post Office Box 2366, Washington, D.C. 20013, on or before March 13, 1974. Such comments will be available for public inspection in room 5224 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0365).

Dated: February 4, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Part 401 of Title 45 of the Code of Federal Regulations is amended by adding a new Subpart E as follows:

Subpart E—Vocational Rehabilitation Services for Supplemental Security Income Recipients

Sec.	
401.120	General.
401.121	Purpose.
401.122	Definitions.
401.123	State plan requirements.
401.124	Conditions and limitations.
401.125	Payments of supplemental security income program funds.
401.126	Budgets.
401.127	Reports.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart E—Vocational Rehabilitation Services for Supplemental Security Income Recipients

§ 401.120 General.

(a) Title XVI, (Section 1615) of the Social Security Act, as amended by Pub. L. 92-603, provides for the referral of blind or disabled supplemental security income recipients who are under age 65 to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973 and for a periodic review of their need for and utilization of available vocational rehabilitation services. Individuals so referred must accept such vocational rehabilitation services as are made available, unless there is good cause to refuse. Authorization is provided to pay the State agency the costs incurred in the provision

of such services to individuals so referred.

(b) Funds appropriated under this authority will be made available for payment by the Secretary for vocational rehabilitation services (and related costs of administration) provided under the State plan approved under the Rehabilitation Act of 1973.

(c) To receive Federal funds for services under this subpart, each State agency is required to submit an amendment to its State plan which sets forth the policies and procedures for providing services to blind and disabled recipients in keeping with the purpose as stated below and which meets the requirements and conditions prescribed herein.

§ 401.121 Purpose.

The purpose of the provision of vocational rehabilitation services as authorized in this subpart is to enable a maximum number of recipients to increase their employment capacity to the extent that they can engage in productive activity.

§ 401.122 Definitions.

(a) "Supplemental security income recipient", or "recipient", as used in this subpart, means an individual who is receiving cash payments (or with respect to whom payments are made) under the supplemental security income program based on blindness or disability.

(b) "Productive activity" is closely related to "ability to engage in substantial gainful activity" as that phrase is used in 20 CFR 416.934, i.e., full-time employment, 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 of eligibility for or, for the blind, at least a substantial reduction of supplemental security income payments.

§ 401.123 State plan requirements.

For a State to receive Federal funds appropriated for this purpose, the State plan must contain the following provisions regarding vocational rehabilitation services to supplemental security income recipients.

(a) *Conformance to selection criteria.* The State plan shall provide that, to the extent funds appropriated are adequate for the purpose, vocational rehabilitation services will be furnished to recipients in the State who the State determines on the basis of medical, vocational, social, personal, or other factors are eligible for services and who meet the following requirements:

(1) The disabling impairment is not so rapidly progressive as to outrun the effect of vocational rehabilitation services to the extent that restoration of the recipient to productive activity is precluded;

(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 eligibility of the recipient;

(3) There is a reasonable expectation that the provision of services will enable the individual to engage in productive activity; and

(4) The reasonably predictable period of productive work activity is of sufficient duration that the expenditures made for services are expected to be offset by the non-payment or, for the blind, a substantial reduction of supplemental security income payments which otherwise would be made to the individual.

(b) *Order of selection.* To the extent that the funds appropriated for this purpose are adequate, the State plan shall provide that the order of selection for services shall be in accordance with the recipient's readiness and potential for rehabilitation to productive activity and without regard to any other order of selection set forth in the State plan.

(c) *Economic need test.* The State plan shall provide that any recipient who meets the other requirements for vocational rehabilitation services through the use of supplemental security income program funds shall be provided authorized services without regard to any other economic need test set forth in the State plan.

(d) *Promptness of services.* The State plan shall provide that services will be furnished with reasonable promptness to recipients selected under paragraphs (a), (b), and (c) of this section.

(e) *Services available.* The State plan shall provide that vocational rehabilitation services available to recipients selected for such services shall include the full range of services authorized in the Act, to the extent that such services are consistent with the purpose of this Subpart, and subject to the limitations with respect to the use of supplemental security income program funds prescribed in § 401.124.

(f) *Staff, supervision and training.* The State plan shall provide for staff, supervision, and training of personnel to carry out the functions of this Subpart in an effective manner.

§ 401.124 Conditions and limitations.

Costs of vocational rehabilitation services (and administration) paid from supplemental security income program funds shall be subject to the following conditions and limitations:

(a) Except as otherwise provided herein, such costs shall be subject to all requirements for Federal financial participation set forth in the regulations governing the State vocational rehabilitation program. (See Subpart C of this part).

(b) Supplemental security income program funds will not be used to pay costs of establishment or construction of a rehabilitation facility.

(c) Supplemental security income pro-

gram 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 are necessitated by the rehabilitation program.

(d) Where supplemental security income program funds are used to pay the cost of equipment, initial stock and supplies, including that for a vending stand or other small business enterprise, for the rehabilitation of a recipient, the State agency shall establish appropriate controls to assure that such equipment and stock no longer required by that recipient are utilized by another recipient. When it is unlikely that such equipment and stock will be needed by another recipient within a reasonable period of time, it may be disposed of according to usual State agency procedures with appropriate credit to the supplemental security income program funds.

§ 401.125 Payments of supplemental security income program funds.

(a) *Payment and distribution of funds.*

(1) Payment from available funds may be made in advance or by way of reimbursement for agency costs of providing services (including administration) under an approved amended State plan.

(2) In distributing funds to the States, the Secretary will consider agency estimates, the number of recipients in the State, and such other factors as the Secretary may determine.

(3) The Secretary will make necessary adjustments or redistribution on account of overpayments, underpayments, and unused funds.

(b) *Payments for services and administration.* (1) Payment from supplemental security income program funds may be made for the cost of determining the eligibility for and the character of vocational rehabilitation services needed by a recipient, or an applicant for supplemental security income payments, if it appears there is a strong likelihood that such applicant will be found eligible for supplemental security income (even though later it is not so found), to the extent that such costs were incurred with respect to such applicant prior to the receipt by the State agency of notice of a determination of ineligibility.

(2) Other authorized services provided prior to determination of eligibility for supplemental security income payments to persons meeting selection criteria may be paid from supplemental security income program funds if and when the State agency receives notice that the individual has been determined to be eligible for such payments.

(3) In no case, however, may services be paid from supplemental security in-

come program funds which are provided before (i) the effective date of the approved amended State plan, or (ii) the beginning date of the individual's eligibility for supplemental security income payments, whichever is later.

(c) *Reversal of determination of ineligibility for supplemental security income payments.* Payment from supplemental security income program funds for services which have been rendered to an applicant otherwise eligible therefore who has been found not eligible for supplemental security income payments may, if such finding is later reversed on reconsideration, appeal, or judicial review, be made retroactively for the fiscal year in which notice of reversal is received by the State agency, provided that that time services consistent with the purpose of this Subpart are being currently rendered to the recipient.

(d) *Termination of supplemental security income payments.* Payment for services after receipt by the State agency of notice that eligibility for supplemental security income payments has terminated shall not be made from supplemental security income program funds, except when the services have been started and the individual case plan reflects that commitments of monies were made for those services prior to receipt of notice of such termination, i.e., written contracts, purchase orders, or equivalent authorizations have been issued, or lump sum payment may have been required to have been made in advance such as in the case of tuition or training expenses. In no case may payment be made for costs of services extending more than four months after the month in which eligibility for supplemental security income payments terminates or in which notice that eligibility for supplemental security income payments has terminated is received by the State agency, whichever is later.

§ 401.126 Budgets.

Periodically, as may be required, the State shall prepare and submit a budget estimate of supplemental security income program funds needed to pay the costs of vocational rehabilitation services for recipients and for the administration of such services.

§ 401.127 Reports.

The State shall submit reports of expenditures and case services activities in behalf of recipients, in such form and in such detail and frequency as determined necessary by the Secretary. All records, procedures, and operational activities of the State agency, the costs of which are paid from supplemental security income program funds, shall be subject to evaluative study, inspection, review, and audit.

[FR Doc.74-3148 Filed 2-8-74;8:45 am]

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PART III



ENVIRONMENTAL PROTECTION AGENCY

■

WATER POLLUTION CONTROL

Construction Grants
for Waste Treatment Works

Title 40—Protection of Environment
 CHAPTER I—ENVIRONMENTAL
 PROTECTION AGENCY
 SUBCHAPTER B—GRANTS
 PART 35—STATE AND LOCAL
 ASSISTANCE

Final Construction Grant Regulations

Title II of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 33 U.S.C. 1251 et seq.) authorizes the award of construction grants for waste treatment works. The award of these grants creates a contractual obligation of the United States for payment of the Federal share of the construction costs of such projects.

Interim regulations were published in the FEDERAL REGISTER for this program on February 28, 1973 (38 FR 5329). Written comments received from interested parties are on file with the Environmental Protection Agency. The agency has carefully considered all comments submitted by the public, as well as comments made by EPA and State Agency personnel on the basis of their experience under the interim construction grant regulations. A number of these comments have been adopted or substantially satisfied by editorial changes in, deletions from, or additions to this subpart. An effort has been made to conform the procedures and requirements of the new grant system to the construction grants program established under section 8 of the prior Federal Water Pollution Control Act, as well as to ensure that new statutory requirements will be met.

Major changes in this subpart are the following:

(1) The three-step grant process has been clarified to reflect that a basic grant application is submitted for the initial award of grant assistance, and that subsequent related projects will be funded through amendment of this grant. In addition, in accordance with section 2 of Pub. L. 93-243, enacted December 28, 1973, the requirement that a Step 3 project had to result in an "operable" treatment works has been deleted. A project may be awarded for any "segment" of treatment works construction as that term is defined in new § 35.905-24, which provides that a segment may consist of any portion of the treatment works construction associated with a discrete contract or subcontract to be awarded for Step 1, 2, or 3 project work.

(2) Section 35.915 has been revised and expanded to explain more clearly EPA requirements under applicable statutory provisions for State priority systems and the interrelationship between this subpart and regulations which have been issued under section 106 and 303(e) of the Act. Each State will develop and submit a single project priority list which will remain in effect until a new list is approved as a part of the annual section 106 State program submission; once priority has been established for a project, the project will retain this priority until funded, unless the State

otherwise provides through its priority system. Two new provisions have also been added. Section 35.915(g) requires that each State reserve not less than 5 percent of fiscal year 1975 and subsequent State allotments of contract authority in order to adequately provide for cost overruns which are being experienced under the construction grant program. Section 35.915(d) permits (but does not require) the State to establish a separate reserve for grant assistance for Step 1 and Step 2 projects whose selection for funding will be determined by the State agency subsequent to approval of the project list, since experience has demonstrated that States require more flexibility than is permitted by an annual priority determination.

(3) Facilities planning requirements are set forth in new §§ 35.917 through 35.917-9. In order to permit a transition into these new requirements, full compliance with substatutory requirements will not be required except with respect to Step 1 work which is initiated after April 30, 1974. After October 31, 1974, a "plan of study" must be approved prior to the initiation of Step 1 work. These new procedures are designed to assure better accomplishment of the objectives of the new Federal Water Pollution Control Act and collateral statutory requirements (such as the National Environmental Policy Act of 1969). These statutory requirements must be addressed by the applicant during the facilities planning process.

(4) New procedures have been established in revised § 35.927-5 to assure that the infiltration/inflow requirements derived from section 201(g) (3) and (4) of the 1972 FWPCA Amendments are met without unnecessary documentation and expense.

(5) New provisions in §§ 35.925-18 and 35.905-4 delineate the Agency's position with respect to the initiation of project construction prior to the award of grant assistance for Steps 1, 2, or 3. Section 206 of the FWPCA Amendments of 1972 clearly precludes the type of reimbursement previously authorized under section 8 of the former FWPCA with respect to projects (as defined under the program authorized by the prior statute) on which construction was initiated after June 30, 1972. Due to the institution of the three-step grant process under the new FWPCA, it has become necessary to address the issue of reimbursement with respect to "initiation of construction" (as defined in 35.905-4) for Steps 1 and 2. For this reason, and to permit better program management by EPA and State agencies, and to permit better accomplishment of statutory objectives, procedures are set forth in § 35.925-18 which will phase out the possibility of a reimbursement claim. Eligible Step 1 or Step 2 project work initiated prior to November 1, 1974, will be fully reimbursed in conjunction with the next award of grant assistance, if reimbursement is requested (see § 35.945(a)). Prior approval will be required with respect to Step 1 and Step 2 work which

is initiated after October 31, 1974. Step 1 or Step 2 work initiated after June 30, 1975, must be preceded by award of grant assistance or, in the case of Step 1 work, prior approval of a plan of study accompanied by reservation of funds for the grant award.

State agencies are requested to furnish detailed comment through EPA Regional Administrators with respect to any difficulties which may be encountered in the application of § 35.925-18. This section will be revised, if necessary, to permit an orderly transition into a fully nonreimbursable program and at the same time to assure that the development of projects necessary to comply with applicable effluent and water quality related requirements will not be hindered.

(6) Section 35.930-6 has been added to clarify the extent of the Federal Government's obligation to pay 75 percent of approved project costs. The Section emphasizes the grantee's obligation to notify EPA and the State of unavoidable cost overruns and to avoid the incurrence of costs in excess of the approved grant amount, which operates as a ceiling upon Federal participation until and unless revised through funding of grant amendments from State allotments, for project changes for which timely notification has been received. The statutory provision for funding of this program solely through a system of State-by-State allotments operates to limit the possibility of funding for cost overruns incurred under these grants in a more rigid manner than cost overrun funding under Federal contracts; cost overruns under these grants must be funded from State allotments, in addition to the funding of new projects.

(7) Section 35.908 has been restated to encourage more explicitly the use of advanced technology and accelerated construction techniques. The section now provides that " * * * processes or methods which have been successfully demonstrated under less than full scale conditions may be utilized in the construction of treatment works * * *." Under the interim regulations, only processes which had been demonstrated under "comparable" conditions could be used.

(8) New § 35.938 codifies EPA procedures pertaining to the award of construction contracts by grantees during Step 3. The basic intent of these procedures is to assure free and open competition among bidders and to assure compliance with the nonrestrictive specification requirement of section 204(a) (6) of the Act. Section 35.937 which would address procurement by grantees of professional and personal services, is being separately issued as a proposed regulation, which will not be effective until an interim or final regulation is adopted.

In addition, a considerable number of technical revisions have been made throughout the subpart. Accordingly, for the convenience of users, the entire subpart is being republished.

Construction grant regulations adopted under Section 8 of the former FWPCA

(§ 35.800 et seq. of this part) remain in effect and are applicable to construction grants awarded prior to January 1, 1973, under the authority of section 8. This Subpart E establishes policies and procedures applicable only to construction grant awards from fiscal year 1973 and later contractual obligation authority allotments under Title II of the FWPCA Amendments of 1972.

Regulations have been promulgated separately as Subpart D of this part to implement the reimbursement provisions of section 206 of the 1972 FWPCA Amendments.

This subpart is promulgated as a final regulation and will replace the interim regulations previously promulgated. However, because of the numerous changes and additions which have been made throughout this subpart, public comment is again invited. In particular, comment is invited upon the new provisions of the following sections: 35.903, 35.908, 35.915, 35.917 to 35.917-9, 35.930-6, 35.938, 35.939, and 35.960. Interested parties are encouraged to submit written comments, views, or data concerning this subpart to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before April 15, 1974, will be considered with respect to the need for amendment of this subpart.

Effective date. This subpart shall become effective February 11, 1974. All EPA construction grants awarded pursuant to sections 109(b) and 201(g)(1) shall be subject to this subpart. It is necessary that this subpart take effect immediately in order to accomplish the objectives of the Act and to assure optimum achievement of the effluent and water quality objectives established pursuant to the Act.

Dated: February 4, 1974.

RUSSELL E. TRAIN,
Administrator.

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AUTHORITY: Secs. 109(b), 201 through 205, 207, 210 through 212, and 501(a), 502, and 511 of Pub. L. 92-500 (86 Stat. 816; 33 U.S.C. 1251) as amended by Pub. L. 93-243.

§ 35.900 Purpose.

This subpart supplements the EPA general grant regulations and procedures (Part 30 of this chapter) and establishes policies and procedures for grants to assist the construction of publicly owned waste treatment works in compliance with the Federal Water Pollution Control Act.

§ 35.903 Summary of construction grant program.

(a) The construction of Federally financed waste treatment works is generally accomplished in three steps: Step 1 facilities plans and related elements; Step 2 preparation of construction drawings and specifications; and Step 3 fabrication and building of a treatment works.

(b) The Regional Administrator may award grant assistance for a Step 1, Step 2, or Step 3 project, or, under special conditions, for a project involving a combination of Steps 2 and 3. A "project" (see § 35.905-16) may consist of an entire step or any "segment" (see § 35.905-24) of construction within a step.

(c) Grants are awarded from State allocations (see § 35.910) pursuant to statute. No grant assistance may be awarded unless priority for a project has been determined in accordance with an approved State priority system pursuant to § 35.915. The State is responsible for determining the amount and timing of Federal assistance to each municipality for which treatment works funding is needed.

(d) The scope of a project will be initially defined by a prospective applicant. This initial project scope may be revised by the State when priority for the project is established. The final determination of project scope will be made by the Regional Administrator when grant assistance is awarded (see § 35.930-4).

(e) An application must first be submitted to the State agency for each proposed grant. The basic grant application must meet the requirements for the project set forth in § 35.920-3. Submissions required for grant assistance for subsequent related projects shall be provided in the form of amendments to the basic application. The State agency will forward to the appropriate EPA Regional Administrator complete project applications or amendments thereto for which priority has been determined by the State agency. The grant will consist of the grant agreement resulting from the basic application and grant amendments awarded for subsequent related projects.

(f) Generally, grant assistance for projects involving Steps 2 or 3 will not be awarded unless the Regional Administrator first determines that the facilities planning requirements of §§ 35.917 to 35.917-9 of this subpart have been met. After October 31, 1974, written approval of a "plan of study" (see § 35.920-3(a)(1)) must be obtained prior to initiation of facilities planning. After June 30, 1975, facilities planning may not be initiated prior to approval of a Step 1 grant (see §§ 35.925-18 and 35.905-4).

(g) If initiation of Step 1, 2, or 3 construction (see § 35.905-4) has occurred prior to award of grant assistance, costs incurred prior to the approved date of initiation of construction will not be paid and award will not be made except under the circumstances set forth in § 35.925-18.

(h) The Regional Administrator may not award grant assistance unless the project application requirements of § 35.920-3 have been met and he has made the determinations required by § 35.925 et seq.

(i) A grant or grant amendment awarded for a project under this subpart shall constitute a contractual obligation of the United States to pay the Federal share of allowable project costs up to the amount approved in the grant agreement (including amendments) in accordance with § 35.930-6 of this subpart, subject to the grantee's compliance with the conditions of the grant (see § 35.935 et seq.) and other applicable requirements of this subpart.

(j) Section 35.945 authorizes prompt payment for incurred project costs in accordance with a negotiated payment schedule. The initial request for payment may cover unpaid allowable costs of work completed prior to award except as otherwise provided in § 35.925-18. All allowable costs incurred prior to initiation of project construction must be claimed in the application for grant assistance for that project prior to the award of such assistance or no subsequent claim for payment may be made for such costs.

The estimated amount of any grant or grant amendment, including any prior costs, must be established in conjunction with determination of priority for the project. The Regional Administrator must determine that the project costs are reasonable and allowable, in accordance with § 35.940.

(k) Pursuant to section 204(b) of the Act, the grantee must comply with applicable user charge and industrial cost recovery requirements; see §§ 35.925-11, 35.925-12, 35.928, 35.935-13, and Appendix B of this subpart.

(l) Sewage collection systems for new communities, new subdivisions, or newly developed urban areas must be addressed in the planning of such areas and should be included as part of the development costs of the new construction in these areas. Such costs will not be allowed under the construction grant program, pursuant to section 211 of the Act; see § 35.925-13.

(m) The approval of a plan of study for Step 1, a facilities plan, or award of grant assistance for Step 1, Step 2, or Step 3, or any segment thereof, will not constitute a Federal commitment for approval of grant assistance for any subsequent project.

(n) Where justified, a deviation from any statutory requirements of this subpart may be granted pursuant to § 30.1001 of this chapter.

(o) It is the policy of the Environmental Protection Agency to promote adequate public participation in the construction grant process. Opportunity for public participation is required: (1) In the development of the State water pollution control strategy and State project priority list, pursuant to §§ 35.556 and 35.915; and (2) in the development of facilities plans, pursuant to § 35.917-5.

§ 35.905 Definitions.

As used in this subpart, the following words and terms shall have the meaning set forth below:

§ 35.905-1 The Act.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243.

§ 35.905-2 Combined sewer.

A sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

§ 35.905-3 Complete waste treatment system.

A complete waste treatment system consists of all the connected treatment works necessary to meet the requirements of Title III of the Act and involved in: (a) The transport of wastewaters from individual homes or buildings to a plant or facility wherein treatment of the wastewater is accomplished; (b) the treatment of the wastewaters to remove pollutants; and (c) the ultimate disposal, including recycling or reuse, of the treated wastewaters and residues resulting from the treatment process. One complete waste treatment system would,

normally, include one treatment plant or facility, but in instances where two or more treatment plants are interconnected, all of the interconnected treatment works will be considered as one waste treatment system.

§ 35.905-4 Construction.

Any one or more of the following: Preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items. The phrase "initiation of construction," as used in this subpart means with reference to a project for:

(a) The preparation of a facilities plan or completion of other Step 1 elements:

(1) Prior to November 1, 1974, the execution of an agreement for any element of Step 1 project work (including facilities planning); or, if an agreement covering Step 1 work has previously been entered into, the issuance of a notice to proceed with the Step 1 work; or a work order for the execution of any element of Step 1 work;

(2) After October 31, 1974, the date of approval of a plan of study (see § 35.925-18(a)(1));

(b) the preparation of construction drawings and specifications (Step 2):

(1) Prior to November 1, 1974, the execution of an agreement for the preparation of construction drawings and specifications; or, if an agreement covering both Step 1 and Step 2 elements has been previously entered into, the issuance of a notice to proceed; or a work order for the preparation of construction drawings and specifications;

(2) After October 31, 1974, the date of approval of a facilities plan (see § 35.925-18(a)(2));

(c) the building and erection of a treatment works segment (Step 3): the issuance of a notice to proceed under a construction contract for any segment of Step 3 project work, or, if notice to proceed is not required, execution of the construction contract.

§ 35.905-5 Excessive infiltration/inflow.

The quantities of infiltration/inflow which can be economically eliminated from a sewer system by rehabilitation, as determined by a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions with the total costs for transportation and treatment of the infiltration/inflow, subject to the provisions in § 35.927.

§ 35.905-6 Industrial cost recovery.

Recovery by the grantee from the industrial users of a treatment works of the grant amount allocable to the treatment of wastes from such users pursuant to section 204(b) of the Act and this subpart.

§ 35.905-7 Industrial Cost Recovery Period.

That period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works.

§ 35.905-8 Industrial user.

Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) *Division A.* Agriculture, Forestry, and Fishing.

(b) *Division B.* Mining.

(c) *Division D.* Manufacturing.

(d) *Division E.* Transportation, Communications, Electric, Gas, and Sanitary Services.

(e) *Division I. Services.* A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

§ 35.905-9 Infiltration.

The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

§ 35.905-10 Infiltration/inflow.

The total quantity of water from both infiltration and inflow without distinguishing the source.

§ 35.905-11 Inflow.

The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

§ 35.905-12 Interceptor sewer.

A sewer whose primary purpose is to transport wastewaters from collector sewers to a treatment facility.

§ 35.905-13 Interstate agency.

An agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of water pollution.

§ 35.905-14 Municipality.

A city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities)

created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the Act. This definition excludes a special district, such as a school district, which does not have as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes.

§ 35.905-15 Operable treatment works.

An operable treatment works is a treatment works that:

(a) Upon completion of construction will treat wastewater, transport wastewater to or from treatment, or transport and dispose of wastewater in a manner which will significantly improve an objectionable water quality related situation or health hazard in existence prior to construction of the treatment works, and

(b) Is a component part of a complete waste treatment system which, upon completion of construction for the complete waste treatment system (or completion of construction of other treatment works in the system in accordance with a schedule approved by the Regional Administrator) will comply with all applicable statutory and regulatory requirements.

§ 35.905-16 Project.

The scope of work for which Federal assistance is awarded by a grant or grant amendment pursuant to this subpart. For the purposes of this subpart, the scope of work is defined as Step 1, Step 2, or Step 3 of treatment works construction or segments thereof (see § 35.905-24 and § 35.930-4).

§ 35.905-17 Replacement.

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

§ 35.905-18 Sanitary sewer.

A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions.

§ 35.905-19 Sewage collection system.

For the purpose of § 35.925-13 of this subpart, each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for con-

nection with those facilities. The facilities which convey wastewater from individual structures or from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the grantee.

§ 35.905-20 State.

A State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 35.905-21 State agency.

The State water pollution control agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

§ 35.905-22 Storm sewer.

A sewer intended to carry only storm waters, surface run-off, street wash waters, and drainage.

§ 35.905-23 Treatment works.

Any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of the act, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run-off, or industrial waste, including waste in combined storm water and sanitary sewer systems.

§ 35.905-24 Treatment Works Segment.

A treatment works segment may be any portion of an operable treatment works described in an approved facilities plan, pursuant to § 35.917, and which can be identified as a discrete contract or subcontract for Step 1, 2, or 3 work. Completion of construction of a treatment works segment may, but need not, result in an operable treatment works.

§ 35.905-25 Useful life.

Estimated period during which a treatment works will be operated.

§ 35.905-26 User charge.

A charge levied on users of a treatment works for the cost of operation and maintenance of such works, pursuant to Section 204(b) of the Act and this subpart.

§ 35.908 Advanced technology and accelerated construction techniques.

It is the policy of the Environmental Protection Agency to encourage and, where possible, to assist in the development of accelerated construction techniques and new or advanced processes, methods, and technology for the construction of waste treatment works. New or advanced processes or methods may be utilized in the construction of treatment works under this subpart. New technology or processes may be developed or demonstrated with the assistance of EPA research or demonstration grants awarded under Title I of the Act. New processes or methods which have been successfully demonstrated under less than full scale conditions may be utilized in the construction of treatment works under this subpart.

§ 35.910 Allocation of funds.

§ 35.910-1 Allotment.

Allotments shall be made among the States from funds authorized to be appropriated pursuant to section 207 in the ratio that the most recent congressionally approved estimate of the cost of constructing all needed publicly owned treatment works in each State bears to the most recent congressionally approved estimate of the cost of construction of all needed publicly owned treatment works in all of the States. Computation of a State's ratio shall be carried out to the nearest ten thousandth percent (0.0001 percent) and allotted amounts will be rounded to the nearest thousand dollars except for Fiscal Year 1975 which will be rounded to the nearest fifty dollars.

§ 35.910-2 Reallotment.

(a) Sums allotted to a State under § 35.910-1 shall be available for obligation on and after the date of such allotment and shall continue to be available to such State for a period of one year after the close of the fiscal year for which such sums are authorized. Funds remaining unobligated at the end of the allotment period will be immediately reallotted by the Administrator, on the basis of the most recent allotment ratio to those States which have used their full allotment.

(b) Reallotted sums shall be added to the last allotments made to the States and shall be in addition to any other

funds otherwise allotted, and be available for obligation in the same manner and to the same extent as such last allotment.

(c) Any sums which have been obligated under this subpart which remain after final payment, or after termination of a project, shall be credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be available for obligation in the same manner and to the same extent as such last allotment.

§ 35.910-3 Fiscal Years 1973 and 1974 Allotments.

(a) For Fiscal Years ending June 30, 1973 and June 30, 1974, sums of \$2 billion and \$3 billion, respectively, have been allotted on the basis of Table III of House Public Works Committee Print No. 92-50.

(b) The percentages used in computing the State allotments set forth in paragraph (c) of this section for Fiscal Years 1973 and 1974 are as follows:

State	Percentage	State	Percentage
Alabama	0.3612	North Carolina	.9229
Alaska	.2232	North Dakota	.0467
Arizona	.1346	Ohio	5.7737
Arkansas	.3536	Oklahoma	.4608
California	9.8176	Oregon	.8494
Colorado	.3166	Pennsylvania	5.4214
Connecticut	1.6810	Rhode Island	.4889
District of Columbia	.7114	South Carolina	.6455
Delaware	.6565	South Dakota	.0048
Florida	3.6264	Tennessee	1.1605
Georgia	.9730	Texas	2.7694
Hawaii	.3303	Utah	.1403
Idaho	.2177	Vermont	.2218
Illinois	6.2480	Virginia	2.9143
Indiana	3.3662	Washington	.8906
Iowa	1.1557	West Virginia	.4999
Kansas	.3742	Wisconsin	1.7415
Kentucky	.6599	Wyoming	.0263
Louisiana	.9428	Guam	.0872
Maine	0.9675	Puerto Rico	.8845
Maryland	4.2582	Virgin Islands	.0893
Massachusetts	3.7576	American Samoa	.0048
Michigan	7.9814	Trust Territory of Pacific Islands	.0378
Minnesota	2.0310		
Mississippi	.3935		
Missouri	1.6556		
Montana	.1662		
Nebraska	.3708		
Nevada	.2877		
New Hampshire	.8309		
New Jersey	7.7040		
New Mexico	.2108		
New York	11.0578		
			100.0000

(c) Based upon the percentages, the sums allotted to the States as of July 1, 1973, for Fiscal Years 1973 and 1974 are as follows:

State	Fiscal year 1973	Fiscal year 1974
Alabama	\$7,224,000	\$10,836,000
Alaska	4,504,000	6,756,000
Arizona	2,692,000	4,038,000
Arkansas	7,072,000	10,608,000
California	106,352,000	294,528,000
Colorado	6,332,000	9,498,000
Connecticut	33,620,000	50,430,000
Delaware	13,130,000	19,605,000
District of Columbia	14,228,000	21,342,000
Florida	72,528,000	108,792,000
Georgia	19,460,000	29,190,000
Hawaii	6,606,000	9,909,000
Idaho	4,354,000	6,531,000
Illinois	124,978,000	187,467,000
Indiana	67,324,000	100,986,000
Iowa	23,114,000	34,671,000
Kansas	7,484,000	11,226,000
Kentucky	13,198,000	19,797,000
Louisiana	18,856,000	28,284,000
Maine	19,350,000	29,025,000
Maryland	85,164,000	127,746,000
Massachusetts	75,152,000	112,728,000
Michigan	159,628,000	239,442,000
Minnesota	40,638,000	60,957,000
Mississippi	7,570,000	11,905,000
Missouri	33,112,000	49,668,000
Montana	3,324,000	4,988,000
Nebraska	7,416,000	11,124,000
Nevada	5,754,000	8,631,000
New Hampshire	16,618,000	24,927,000
New Jersey	154,080,000	231,120,000
New Mexico	4,216,000	6,324,000
New York	221,158,000	331,734,000
North Carolina	18,458,000	27,657,000
North Dakota	984,000	1,401,000
Ohio	115,471,000	173,211,000
Oklahoma	9,216,000	13,824,000
Oregon	16,988,000	25,452,000
Pennsylvania	108,428,000	162,642,000
Rhode Island	9,778,000	14,667,000
South Carolina	12,010,000	19,365,000
South Dakota	1,826,000	2,844,000
Tennessee	23,210,000	34,815,000
Texas	55,388,000	83,082,000
Utah	2,816,000	4,224,000
Vermont	4,436,000	6,654,000
Virginia	58,280,000	87,429,000
Washington	17,812,000	26,718,000
West Virginia	9,998,000	14,997,000
Wisconsin	31,830,000	52,245,000
Wyoming	536,000	804,000
Guam	1,744,000	2,616,000
Puerto Rico	17,680,000	26,535,000
Virgin Islands	1,786,000	2,679,000
American Samoa	96,000	144,000
Trust Territory of Pacific Islands	756,000	1,134,000
Total	2,000,000,000	3,000,000,000

§ 35.910-4 Fiscal Year 1975 Allotments.

(a) For the Fiscal Year ending June 30, 1975, a sum of \$4 billion has been allotted based 50 percent on the ratios of Table I and 50 percent of Table II of House Public Works Committee Print No. 93-28, pursuant to Pub. L. 93-243.

(b) The percentages used in computing the State allotments set forth in paragraph (c) of this section, for Fiscal Year 1975 are as follows:

State	Percentage	State	Percentage
Alabama	0.8016	Delaware	0.5548
Alaska	0.3830	District of Columbia	
Arizona	0.4066	Florida	0.9724
Arkansas	0.6069	Georgia	4.1838
California	11.6340	Hawaii	1.0463
Colorado	0.7867	Idaho	0.2009
Connecticut	1.7687		

State	Percentage	State	Percentage
Illinois	6.4173	Pennsylvania	5.6652
Indiana	1.6196	Rhode Island	0.5306
Iowa	1.0012	South Carolina	1.4223
Kansas	1.0322	South Dakota	0.0907
Kentucky	1.6579	Tennessee	1.2303
Louisiana	0.7245	Texas	1.6534
Maine	0.6870	Utah	0.4217
Maryland	1.3767	Vermont	0.3001
Massachusetts	2.2945	Virginia	2.5096
Michigan	4.7978	Washington	1.6463
Minnesota	1.6341	West Virginia	0.9598
Mississippi	0.5355	Wisconsin	1.3317
Missouri	1.8960	Wyoming	0.0768
Montana	0.1421	Guam	0.0478
Nebraska	0.5314	Puerto Rico	1.0385
Nevada	0.4755	Virgin Islands	0.0796
New Hampshire	0.8920	American Samoa	0.0147
New Jersey	6.4789	Trust Territory of Pacific Islands	0.0133
New Mexico	0.1869		
New York	12.4793		
North Carolina	1.7029		
North Dakota	0.0818		
Ohio	4.9184		
Oklahoma	1.1953		
Oregon	0.8682		

(c) Based upon the percentages set forth in paragraph (b) of this section and allotment adjustments the sums allotted to the States as of January 1, 1974, are as follows:

Alabama	\$33,785,150
Alaska	15,059,100
Arizona	17,695,750
Arkansas	23,860,100
California	457,420,100
Colorado	30,930,900
Connecticut	69,542,900
Delaware	21,815,300
District of Columbia	38,233,800
Florida	164,496,400
Georgia	76,153,000
Hawaii	41,140,000
Idaho	7,898,400
Illinois	252,311,700
Indiana	63,678,100
Iowa	39,364,800
Kansas	40,192,500
Kentucky	65,183,600
Louisiana	35,551,850
Maine	26,227,000
Maryland	54,128,100
Massachusetts	90,215,900
Michigan	188,637,400
Minnesota	64,247,300
Mississippi	22,346,700
Missouri	74,546,400
Montana	7,534,600
Nebraska	20,894,000
Nevada	18,693,600
New Hampshire	35,072,950
New Jersey	234,656,200
New Mexico	10,670,500
New York	490,654,200
North Carolina	70,494,200
North Dakota	6,876,100
Ohio	193,378,700
Oklahoma	48,997,400
Oregon	34,136,700
Pennsylvania	222,744,100
Rhode Island	20,864,000
South Carolina	55,932,000
South Dakota	7,308,800
Tennessee	48,371,800
Texas	106,900,250
Utah	16,579,600
Vermont	11,800,800
Virginia	98,673,400
Washington	64,730,500

West Virginia	\$37,735,700
Wisconsin	52,360,400
Wyoming	4,049,450
Guam	2,172,000
Puerto Rico	40,892,900
Virgin Islands	3,130,900
American Samoa	576,700
Trust Territory of Pacific Islands	524,300

Allotment adjustment has been made for those States that would receive an allotment that would be less than their Fiscal Year 1972 allotment. The allotment of those States which fall below their Fiscal Year 1972 allotment will be restored to their Fiscal Year 1972 allotment using funds from the total allotment. Remaining funds will be allocated to States (excluding the States with allotment adjustment) based on adjusted percentages. Minimum allotment amounts are determined on the basis of Table III of House Public Works Committee Print 93-28.

§ 35.912 Delegation to State agencies.

It is the policy of the Environmental Protection Agency to utilize staff capabilities of State agencies to the maximum extent practicable through optimum utilization of available State and Federal resources and to eliminate unnecessary duplicative reviews of documents that are required as a part of the construction grant process. Accordingly, the Regional Administrator may enter into a written agreement, where appropriate, with a State agency within his Region for certification by the State agency of the technical and/or administrative adequacy of specified documents. *Provided*, That an applicant or grantee may request review by the Regional Administrator of an adverse recommendation by a State agency.

§ 35.915 State determination of project priority list.

Construction grants will be awarded from allotments available pursuant to § 35.910 in accordance with the approved State project priority list which is derived from the approved State priority system.

(a) *State priority system.* The State priority system must be designed to achieve optimum water quality improvement consistent with the goals and requirements of the Act. It shall be submitted and revised in accordance with Subpart B of this part.

(b) *State municipal discharge inventory.* Pursuant to § 130.43 of this Chapter, the State agency shall prepare a municipal discharge inventory which sets forth for the entire State a ranking of all significant municipal discharges (including, for example, eligible municipal septic systems). Such list must be submitted as part of the annual State program for the approval of the Regional Administrator under § 35.557. This State municipal discharge inventory shall be updated annually and submitted with the State program pursuant to § 35.555 of this part.

(c) *Project priority list.* The State agency shall prepare a listing of the projects

for which Federal assistance may be requested. This listing should include a sufficient number of projects to permit funding to proceed in an orderly fashion through the period between the next allotment of construction grant funds to the next approval of a revised project priority list. The Regional Administrator shall consider for approval that portion of the project priority list from which grant awards may be made from currently available allotments, pursuant to the approval procedures of § 35.555.

(1) In determining which projects to fund the State shall consider the severity of pollution problems, the population affected, the need for preservation of high quality waters, and national priorities as well as total funds available, project and treatment works sequence and additional factors identified by the State in its priority system. The list of projects to be funded should be developed in conjunction with the municipal discharge inventory. It should be consistent with the municipal discharge inventory but need not rigidly follow the ranking of discharges in the inventory. The net result should be a concentration of projects to be funded in high priority areas. The Regional Administrator may require the State agency to explain the basis for priority determination for specific projects located in low priority areas (e.g., court orders, critical dischargers on lower priority segments, etc.).

(2) The project priority list shall set forth, as a minimum, the following information for each project:

- (i) Name of municipality;
- (ii) State assigned EPA project number;
- (iii) Brief description of type of project and anticipated scope of project (Step 1, 2, or 3 or combination thereof);
- (iv) Estimated total project cost; and
- (v) Estimated Federal assistance.

(3) A project which is included within the approved portion of the list shall retain its priority until a grant is awarded, unless the State otherwise provides through its priority system. Accordingly, in developing a revised list, the State must generally include thereon all projects from the approved portion of the prior list or amendments thereto for which grant assistance has not been awarded at the time the revision is prepared. The priority for all other projects will be determined in accordance with the approved State priority system.

(4) A project will be removed from the project priority list if (i) the project has been fully funded, (ii) a final and conclusive determination of project ineligibility has been made by the Regional Administrator, or (iii) the project has been removed by the State through amendment or revision of the list.

(5) In order to provide a list of projects which can be funded from available allotments in the period after January 1, 1974, until the approval of the next list, a State may add projects to the approved fiscal year 1974 list. Projects for which fiscal year 1975 contract authority will

be utilized must be identified since projects initially funded with fiscal year 1975 funds will be subject to best practicable waste treatment technology requirements (see § 35.930-4).

(d) *Submission, amendment and approval of project priority list.* The project list shall be submitted and approved annually as part of the State Program and may be amended pursuant to § 35.555 and § 35.557.

(e) *Application of additional funds.* If the State has submitted a project priority list containing more projects than could be funded under the original allotment, upon allocation of additional funds, the Regional Administrator's approval of the project priority list will be extended to the required number of projects. If there is an insufficient number of projects on the list, projects may be added to the list, pursuant to §§ 35.555 and 35.557 to account for additional funds which are available.

(f) *Public participation.* The Regional Administrator may not approve a project priority list or any significant amendment thereto unless he determines that a public hearing pursuant to § 35.556 of this Part has been held on such list prior to approval. This public hearing may be conducted in conjunction with a regular public meeting of the State agency, provided that adequate and timely State-wide notice of the meeting, including publication of the proposed project priority list is given, and attendees at the meeting are afforded adequate opportunity to express their views concerning the list. A public hearing is not required with respect to any amendment of the list (including deletion of a project) which the State agency and the Regional Administrator agree is not significant.

(g) *Reserve for grant increases.* In developing the project priority list the State must make provision for grant increases for projects awarded grant assistance under this subpart. A reasonable portion, not less than five percent, of each allotment for fiscal year 1975 and later years made pursuant to § 35.910 shall be reserved for grant amendments to increase grant amounts pursuant to §§ 35.935-11 and 35.955. A statement specifying the amount to be reserved for grant amendments shall be submitted by the State with the project priority list. The reserve period must be for not more than eighteen months after the date of such allotment. If any of the reserved amount remains, this amount may be utilized for the funding of additional projects, in accordance with the procedures set forth in paragraph (e) of this section.

(h) *Grant increases.* The Regional Administrator may approve a grant increase, upon application by the grantee, and upon written confirmation by the State for each application, that the grant increase is justified. The grant increases will be made from the amount reserved, by the State, for that purpose, from currently available allotments pursuant to paragraph (g) of this section.

(i) *Reserve for Step 1 and Step 2 Projects.* In developing the project priority list, the State may (but need not) make provision for an additional reserve for grant assistance for Step 1 and Step 2 projects whose selection for funding will be determined by the State agency subsequent to approval of the project list. A reasonable portion, but not more than ten percent, of each allotment for fiscal year 1975 and later years made pursuant to § 35.910 may be reserved for this purpose. A statement specifying the amount to be reserved for such grant assistance shall be submitted by the State with the project priority list. The reserve period may be for not more than eighteen months after the date of such allotment. If any of the reserved amount remains, this amount may be utilized for the funding of additional projects, in accordance with the procedures set forth in paragraph (e) of this section. The funding of Step 1 and Step 2 projects from this reserve should be consistent with the approved State strategy and should be developed in conjunction with, but need not rigidly follow, the ranking in the municipal discharge inventory.

§ 35.917 Facilities Planning (Step 1).

(a) These regulations set forth the facilities planning required as an element of the construction of publicly owned wastewater treatment works and supplement other provisions of this subpart.

(b) Facilities planning consists of those necessary plans and studies which are directly related to the construction of treatment works, in compliance with section 301 and 302 of the Act. Facilities planning will demonstrate the need for the proposed facilities and, by a systematic evaluation of feasible alternatives, will also demonstrate that the proposed measures represent the most cost-effective means of meeting established effluent and water quality goals, recognizing environmental and social considerations.

(c) Facilities planning, determined by the Regional Administrator to have been initiated prior to May 1, 1974, must be in accordance with applicable statutory requirements (see §§ 35.925-7 and 35.925-8), and such other requirements of this subpart as may be determined to be appropriate by the Regional Administrator.

(d) Full compliance with the facilities planning provisions of this subpart will be required prior to award of grant assistance for Step 2 or Step 3 where the Regional Administrator determines such planning was initiated (as determined pursuant to §§ 35.905-4 and 35.925-18) after April 30, 1974.

Grant assistance for Step 2 or 3 may be awarded prior to approval of a facilities plan for the entire geographic area to be served by the complete waste treatment system of which the proposed treatment works will be an integral part if the Regional Administrator determines that applicable statutory requirements have been met (see § 35.925-7 and 35.925-8); that the facilities planning relevant to

the proposed Step 2 or 3 project has been substantially completed; and that the Step 2 or 3 project for which grant assistance is made will not be significantly affected by the completion of the facilities plan and will be a component part of the complete system: *Provided*, That the applicant agrees to complete the facilities plan on a schedule the State accepts (subject to approval by the Regional Administrator), which schedule shall be inserted as a special condition in the grant agreement.

(e) After October 31, 1974, written approval of a plan of study (see § 35.920-3 (a) (1)) must be obtained prior to initiation of facilities planning. After June 30, 1975, facilities planning may not be initiated prior to approval of a Step 1 grant or approval of a plan of study accompanied by reservation of funds for a Step 1 grant (see §§ 35.925-18 and 35.905-4).

(f) Facilities planning guidelines published by the Administrator are for advisory information only.

(g) If the information required to be furnished as part of a facilities plan has been developed separately, it should be furnished and incorporated by reference in the facilities plan. Planning previously or collaterally accomplished under local, State or Federal programs will be utilized (not duplicated).

§ 35.917-1 Content of Facilities Plan.

Facilities planning which is initiated after April 30, 1974, must encompass the following to the extent deemed appropriate by the Regional Administrator:

(a) A description of the treatment works for which construction drawings and specifications are to be prepared. This description shall include preliminary engineering data, cost estimates for design and construction of the treatment works, and a schedule for completion of design and construction. The preliminary engineering data may include, to the extent appropriate, such information as a schematic flow diagram, unit processes, design data regarding detention times, flow rates, sizing of units, etc.

(b) A description of the selected complete waste treatment system(s) of which the proposed treatment works is a part. The description shall cover all elements of the system, from the service area and collection sewers, through treatment, to the ultimate discharge of treated wastewaters and disposal of sludge.

(c) Infiltration/inflow documentation in accordance with § 35.927.

(d) A cost-effectiveness analysis of alternatives for the treatment works and for the waste treatment system(s) of which the treatment works is a part. The selection of the system(s) and the choice of the treatment works on which construction drawings and specifications are to be based shall reflect the cost-effectiveness analysis. This analysis shall include:

(1) The relationship of the size and capacity of alternative works to the needs to be served, including reserve capacity;

(2) An evaluation of alternative flow and waste reduction measures;

(3) An evaluation of improved effluent quality attainable by upgrading the operation and maintenance and efficiency of existing facilities as an alternative or supplement to construction of new facilities;

(4) An evaluation of the capability of each alternative to meet applicable effluent limitations. The treatment works design must be based upon not less than secondary treatment as defined by the Administrator pursuant to sections 301(a)(1)(B) and 304(d)(1) of the Act;

(5) An identification of, and provision for, applying the best practicable waste treatment technology (BPWTT) as defined by the Administrator, based upon an evaluation of technologies included under each of the following waste treatment management techniques:

(i) Biological or physical-chemical treatment and discharge to receiving waters;

(ii) Treatment and reuse; and

(iii) Land application techniques.

All Step 2, Step 3 or combination Step 2-3 projects for publicly-owned treatment works construction from funds authorized for any fiscal year beginning after June 30, 1974, shall be based upon application of BPWTT, as a minimum. Where application of BPWTT would not meet water quality standards, the facilities plan shall provide for attaining such standards. Such provision shall consider the alternative of treating combined sewer overflows.

(6) An evaluation of the alternative means by which ultimate disposal can be effected for treated wastewater and for sludge materials resulting from the treatment process, and a determination of the means chosen.

(7) An adequate assessment of the expected environmental impact of alternatives including sites pursuant to Part 6 of this Chapter. This assessment shall be revised as necessary to include information developed during subsequent project steps.

(e) An identification of effluent discharge limitations, or where a permit has been issued, a copy of the permit for the proposed treatment works as required by the National Pollution Discharge Elimination System.

(f) Required comments or approvals of relevant State, interstate, regional, and local agencies.

(g) A brief summary of any public meeting or hearing held during the planning process including a summary of the views expressed.

(h) A brief statement demonstrating that the authorities which will be implementing the plan have the necessary legal, financial, institutional, and managerial resources available to insure the construction, operation, and maintenance of the proposed treatment works.

(i) A statement specifying that the requirements of Title VI of the Civil Rights Act of 1964 and of Part 7 of this chapter have been satisfied.

§ 35.917-2 State Responsibilities.

(a) *Facilities planning areas.* Facilities planning should focus upon the geographic area to be served by the waste treatment system(s) of which the proposed treatment works will be an integral part. The facilities plan should include that area deemed necessary to prepare an environmental assessment and to assure that the most cost-effective means of achieving the established water quality goals can be planned for and implemented. To assure that facilities planning initiated after April 30, 1974, subsequent to award of a Step 1 grant therefor, and all facilities planning initiated after October 31, 1974, will include the appropriate geographic areas, the State shall:

(1) Delineate, as a preliminary basis for planning, the boundaries of the planning areas. In the determination of each area, appropriate attention should be given to including the entire area where cost savings, other management advantages, or environmental gains may result from interconnection of individual waste treatment systems or collective management of such systems.

(2) Include maps, which shall be updated annually, showing the identified areas and boundary determinations as part of the State submission under section 106 of the Act.

(3) Consult with local officials in making the area and boundary determinations.

(b) *Facilities planning priorities.* The State shall establish funding priorities for facilities planning in accordance with §§ 35.915 and 35.554-3(a)(1).

§ 35.917-3 Federal assistance.

(a) *General.* Facilities planning initiated after April 30, 1974, subsequent to award of a Step 1 grant therefor, and all facilities planning initiated after October 31, 1974, must be developed pursuant to a plan of study (see § 35.920-3(a)(1) approved in accordance with the requirements of this subpart prior to initiation of the facilities planning. A preapplication conference may be held in accordance with § 35.920-2.

(1) An applicant may apply for a grant for a Step 1 project for the preparation of a facilities plan, or any component part, and for other Step 1 elements required to submit a complete application for a Step 2 project (see § 35.920-3(b)). Alternatively, to the extent permitted by § 35.925-18, a grantee may be reimbursed for facilities planning costs and other Step 1 elements for which reasonable costs have been incurred in accordance with this subpart, in conjunction with the award of a grant for the subsequent Step 2, Step 2-3, or Step 3 projects.

(2) State priority determination in accordance with the approved State priority system pursuant to § 35.915 is required for Step 1 projects, just as in the case of Step 2 or Step 3 projects.

(b) *Eligibility.* Only an applicant which is eligible to receive grant assist-

ance for subsequent phases of construction (Steps 2 and 3) and which has the legal authority to subsequently construct and manage the facility may apply for grant assistance for Step 1. If the area to be covered by the facilities plan includes more than one political jurisdiction, a grant may be awarded for a Step 1 project, as appropriate, (1) to the joint authority representing such jurisdictions, if eligible; (2) to one qualified (lead agency) applicant; or (3) to two or more eligible jurisdictions.

(c) *Payment.* Where a grant has been awarded for the preparation of a facilities plan or other Step 1 elements, the payment schedule in the grant agreement will provide for payment upon completion of the Step 1 work or upon completion of specified tasks within the scope of the project.

(d) *Reports.* Where a grant has been awarded for facilities planning, the completion of which is expected to require more than one year, the grantee must submit a brief progress report to the Regional Administrator at three-month intervals. The progress report is to contain a minimum of narrative description, and is to describe progress in completing the approved schedule of specific tasks for the project.

§ 35.917-4 Planning scope and detail.

(a) Initially, the geographic scope of all facilities planning initiated after October 31, 1974, or facilities planning initiated after April 30, 1974, subsequent to award of a Step 1 grant therefor, shall be based upon the area delineated by the State pursuant to § 35.917-2, subject to review by the Regional Administrator. The Regional Administrator may make the preliminary delineation of the boundaries of the planning area, if the State has not done so, or may revise boundaries selected by the locality or State agency, after appropriate consultation with State and local officials.

(b) Facilities planning shall be conducted only to the extent that the Regional Administrator determines to be necessary to insure that facilities for which grants are awarded will be cost-effective and environmentally sound and to permit reasonable evaluation of grant applications and subsequent preparation of designs, construction drawings and specifications.

§ 35.917-5 Public participation.

(a) Public participation in the facilities planning process shall be consistent with Part 105 of this chapter. One or more public hearings or meetings should be held within the area to obtain public advice at the beginning of the planning process. All governmental agencies and other parties which are known to be concerned or may have an interest in the plan shall be invited to participate.

(b) A public hearing shall be held prior to the adoption of the facilities plan by the implementing governmental units. This provision shall apply to all facilities planning initiated after April 30, 1974. This public hearing for the

facilities plan may satisfy the grantee hearing requirement of Part 6 of this chapter. The Regional Administrator may require the planning entity to hold additional public hearings, if needed, to more fully discuss the plan and alternatives or to afford concerned interests adequate opportunity to express their views.

(c) The time and place of the public hearing shall be conspicuously and adequately announced, generally at least 30 days in advance. In addition, a description of the water quality problems and the principal alternatives considered in the planning process shall be displayed at a convenient local site sufficiently prior to the hearing (approximately 15 days).

(d) Appropriate local and State agencies, State and regional clearinghouses, interested environmental groups and appropriate local public officials should receive written notice of public hearings.

(e) A request to waive the hearings on a facilities plan may be submitted to the Regional Administrator in writing prior to submission of the plan. Any such request will be acted upon within 30 days by the Regional Administrator. Each request must include a brief description of the alternatives, the area that will be serviced, the scope and dates of meetings and hearings previously held, and the reasons the grantee feels a public hearing would not serve the public interest.

§ 35.917-6 Acceptance by implementing governmental units.

A facilities plan submitted for approval shall include adopted resolutions or, where applicable, executed agreements of the implementing governmental units or management agencies providing for acceptance of the plan, or assurances that it will be carried out, and statements of legal authority necessary for plan implementation. Any departures from these requirements may be approved by the Regional Administrator prior to plan submission.

§ 35.917-7 State review and certification of facilities plan.

Each facilities plan must be submitted to the State agency for review. The State must certify that (a) the plan conforms with the requirements set forth in this subpart; (b) the plan conforms with any existing final basin plans approved under section 303(e) of the Act; (c) any concerned 208 planning agency has been afforded the opportunity to comment upon the plan; and (d) the plan conforms with any waste treatment management plan approved pursuant to section 208(b) of the Act.

§ 35.917-8 Submission and approval of facilities plan.

The completed facilities plan must be submitted by the State agency and approved by the Regional Administrator. Where deficiencies in a facilities plan are discovered, the Regional Administrator shall promptly notify the State and the grantee or applicant in writing of the nature of such deficiencies and of the

recommended course of action to correct such deficiencies. Approval of a plan of study or a facilities plan will not constitute an obligation of the United States for any Step 2, Step 3, or combination Steps 2 and 3 project.

§ 35.917-9 Revision or amendment of facilities plan.

A facilities plan may include more than one Step 3 project and provide the basis for several subsequent Step 2, Step 2-3, or Step 3 projects. A facilities plan which has served as the basis for the award of a grant for a Step 2, Step 2-3, or Step 3 project shall be reviewed prior to the award of any grant for a subsequent project involving Step 2 or Step 3 to determine if substantial changes have occurred. If in the judgment of the Regional Administrator substantial changes have occurred which warrant revision or amendment, the plan shall be revised or amended and submitted for review in the same manner specified in this subpart.

§ 35.920 Grant application.

Grant applications will be submitted and evaluated in accordance with Part 30, Subpart B of this chapter.

§ 35.920-1 Eligibility.

Municipalities, intermunicipal agencies, States, or interstate agencies may apply for grant assistance.

§ 35.920-2 Procedure.

Preapplication assistance, including, where appropriate, a preapplication conference, should be requested from the State agency or the appropriate EPA Regional Office for each project for which State priority has been determined. An application must be submitted to the State agency for each proposed treatment works. The basic application shall meet the requirements for the project set forth in § 35.920-3. Submissions required for subsequent related projects shall be provided in the form of amendments to the basic application. Each such submission shall be submitted through the State agency, must be complete (see § 35.920-3), and must relate to a project for which priority has been determined in accordance with § 35.915. If any information required pursuant to § 35.920-3 has been furnished with an earlier application, the applicant need only incorporate by reference and, if necessary update or revise such information utilizing the previously approved application.

§ 35.920-3 Contents of application.

(a) Step 1. Facilities plan and related elements required to apply for Step 2 grant assistance. An application for a grant for Step 1 shall include:

(1) A plan of study presenting (i) the proposed planning area; (ii) an identification of the entity or entities that will be conducting the planning; (iii) the nature and scope of the proposed Step 1 project, including a schedule for the completion of specific tasks; and (iv) an itemized description of the estimated costs for the project;

(2) Proposed subagreements, or an ex-

planation of the intended method of awarding subagreements for performance of any substantial portion of the project work;

(3) Required comments or approvals of relevant State, local, and Federal agencies (including "clearinghouse" requirements of OMB Circular A-95, promulgated at 38 FR 32874 on November 28, 1973).

(b) Step 2. Preparation of construction drawings and specifications. Prior to the award of a grant or grant amendment for a Step 2 project, the following must have been furnished:

(1) A facilities plan (including an environmental assessment in accordance with Part 6 of this chapter) in accordance with §§ 35.917 through 35.917-9.

(2) Satisfactory evidence of compliance with the user charge provisions of §§ 35.925-11 and 35.935-13;

(3) Satisfactory evidence of compliance with the industrial cost recovery provisions of §§ 35.925-12, 35.928, and 35.935-13, if applicable;

(4) A statement regarding availability of the proposed site, if relevant;

(5) Satisfactory evidence of a proposed or existing program for compliance with the Relocation and Land Acquisition Policies Act of 1970 in accordance with § 30.403(d) and Part 4 of this chapter, if applicable;

(6) Satisfactory evidence of compliance with other applicable Federal statutory and regulatory requirements (see Part 30, Subpart C of this chapter);

(7) Proposed subagreements or an explanation of the intended method of awarding subagreements for performance of any substantial portion of the project work.

(8) Required comments or approvals of relevant State, local, and Federal agencies (including "clearinghouse" requirements of OMB Circular A-95) if a grant application has not been previously submitted.

(c) Step 3. Building and erection of a treatment works. Prior to the award of a grant or grant amendment for a Step 3 project, each of the items specified in paragraph (b) of this section, and in addition (1) two sets of construction drawings and specifications, suitable for bidding purposes, and (2) a schedule for or evidence of compliance with §§ 35.925-10 and 35.935-12 concerning an operation and maintenance program, must have been furnished.

(d) Step 2/3. Design/Construct Project. Prior to the award of a grant or grant amendment for a design/construct project the items in paragraphs (b) and (c) of this section must have been furnished, except that, in lieu of construction drawings and specifications, the proposed performance specifications and other relevant design/construct criteria for the project must have been submitted.

(e) Training facility project. An application for grant assistance for construction of a training facility pursuant to section 109(b) of the Act shall include (1) a statement concerning the suitability of the treatment works facility for

training operation and maintenance personnel for treatment works throughout one or more States; (2) a written commitment from the State agency or agencies to carry out at such facility a program of training approved by the Regional Administrator; and (3) an engineering report, including facility design data, cost estimates for design and construction of the facility, and a schedule for completion of design and construction.

§ 35.925 Limitations on award.

Before awarding initial grant assistance for any project for a treatment works through a grant or grant amendment, the Regional Administrator shall determine that all of the applicable requirements of § 35.920-3 have been met and shall further determine:

§ 35.925-1 Facilities planning.

That the facilities planning requirements set forth in §§ 35.917 through 35.917-9 have been met. Requirements set forth in § 35.150-1 and § 35.150-2 are not applicable.

§ 35.925-2 Basin plan.

That such works are in conformity with any applicable final basin plan approved in accordance with section 303 (e) of the Act.

§ 35.925-3 Priority determination.

That such works have been determined to be entitled to priority in accordance with § 35.915, and that the award of grant assistance for the proposed project will not jeopardize the funding of any treatment works of higher priority.

§ 35.925-4 State allocation.

That the award of grant assistance for the project will not cause the total of all grant assistance awarded to applicants within a State, including grant increases, to exceed the total of all allotments and reallocations available to such State pursuant to § 35.910.

§ 35.925-5 Funding and other capabilities.

That the applicant has:
(a) Agreed to pay the non-Federal project costs, and
(b) Has the legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of the treatment works throughout the applicant's jurisdiction.

§ 35.925-6 Permits.

That if the award is for a Step 2, Step 3, or combination Step 2 and 3 project, the applicant has provided an identification of effluent discharge limitations or, if available, a copy of a permit as required by the National Pollution Discharge Elimination System.

§ 35.925-7 Design.

That the treatment works design will be (in the case of projects involving Step 2) or has been (in the case of projects for Step 3) based upon the following:

(a) The design, size, and capacity of such works are cost effective and relate

directly to the needs to be served by such works, including adequate reserve capacity;

(b) Such works will meet applicable effluent limitations and attain not less than secondary treatment as defined by the Administrator pursuant to section 301(b)(1)(B) and 304(d)(1) of the Act (See Part 133 of this chapter), subject to the limitations set forth in § 35.930-4;

(c) The infiltration/inflow requirements of § 35.927 have been met; and

(d) If the initial grant assistance for the project is to be awarded from funds authorized for any fiscal year beginning after June 30, 1974, subject to the limitations set forth in § 35.930-4; (1) alternative waste treatment management techniques have been studied and evaluated to provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of Title II of the Act, and (2) the design has, as appropriate, taken into account and allowed to the extent practicable for the application of technology, at a later date, which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

§ 35.925-8 Environmental review.

That the NEPA requirements (Part 6 of this chapter), applicable to the project step, have been met. Such compliance is a basic prerequisite for Step 2, Step 3, and combination Step 2 and 3 projects. An adequate assessment of expected environmental impacts, consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), is required as an integral part of facilities planning initiated after April 30, 1974, in accordance with § 35.917-1.

§ 35.925-9 Civil rights.

That if the award of grant assistance is for a project involving Step 2 or 3, the applicable requirements of Title VI, of the Civil Rights Act of 1964 (See Part 7 of this chapter) have been met.

§ 35.925-10 Operation and maintenance program.

If the award of grant assistance is for a project involving Step 3, that satisfactory provision has been made by the applicant for assuring proper and efficient operation and maintenance of the treatment works, in accordance with § 35.935-12, and that the State will have an effective operation and maintenance monitoring program to assure that treatment works assisted under this subpart, comply with applicable permit and grant conditions.

§ 35.925-11 User charges.

That, in the case of grant assistance awarded after March 1, 1973, for a project involving Step 2 or Step 3, an approvable plan and schedule of implementation have been developed for a system of user charges to assure that each recipient of waste treatment services within the applicants service area will pay its proportionate share of the

costs of operation and maintenance (including replacement as defined in § 35.905-17) of all waste treatment service provided by the applicant and the applicant must agree that such system(s) will be maintained. See Appendix B to this subpart.

§ 35.925-12 Industrial cost recovery.

(a) That, in the case of any grant assistance awarded after March 1, 1973, for a project involving Step 2 or Step 3, signed letters of intent have been received by the applicant from each significant industrial user to pay that portion of the grant amount allocable to the treatment of its wastes. Each such letter shall also include a statement of the industrial user's intended period of use of the treatment works. A significant industrial user is one that will contribute greater than 10 percent of the design flow or design pollutant loading of the treatment works. In addition, the applicant must agree to require all industrial users to pay that portion of the grant amount allocable to the treatment of wastes from such users.

(b) Projects awarded grant assistance prior to March 2, 1973 are subject to the requirements of § 35.835-5 in lieu of paragraph (a) of this section.

§ 35.925-13 Sewage Collection System.

That, if the project is for, or includes, sewage collection system work, such work (a) is for replacement or major rehabilitation of an existing sewer system pursuant to § 35.927-3(a) and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (b) is for a new sewer system in a community in existence on October 18, 1972, with sufficient existing or planned capacity to adequately treat such collected sewage. Replacement or major rehabilitation of an existing sewer system may be approved only if cost effective and must result in a sewer system design capacity equivalent only to that of the existing system plus a reasonable amount for future growth. A community, for purposes of this section, would include any area with substantial human habitation on October 18, 1972. No award may be made for a new sewer system in a community in existence on October 18, 1972 unless it is further determined by the Regional Administrator that the bulk (generally two-thirds) of the flow design capacity through the sewer system will be for waste waters originating from the community (habitation) in existence on October 18, 1972.

§ 35.925-14 Compliance with Environmental Laws.

That the treatment works will comply with all pertinent requirements of the Clean Air Act and other applicable Federal, State and local environmental laws and regulations.

§ 35.925-15 Treatment of industrial wastes.

That the allowable project costs do not include costs allocable to the treatment

for control or removal of pollutants in wastes introduced into the treatment works by industrial users unless the applicant is required to remove such pollutants introduced from non-industrial sources; and that the project is included in a waste treatment system, a principal purpose of which project and system is the treatment of domestic wastes of the entire community, area, region or district concerned. A "waste treatment system", for purposes of this section, means one or more treatment works which provide integrated but not necessarily interconnected waste disposal for the community, area, region or district. See the pretreatment standards set forth in Part 128 of this Chapter.

§ 35.925-16 Federal activities.

That the allowable project costs do not include costs allocable to the treatment of wastes from major activities of the Federal Government, which another Federal Agency has agreed to pay. Such Federal agencies may extend, over a period of years, their contributions to support capital costs incurred by municipal treatment facilities which provide service to them.

§ 35.925-17 Retained amounts for reconstruction and expansion.

That the allowable project costs have been reduced by an amount equal to the unexpended balance of the amounts retained by the applicant for future reconstruction and expansion pursuant to § 35.928-2, together with interest earned thereon.

§ 35.925-18 Limitation upon project costs incurred prior to award.

That project construction has not been initiated prior to the approved date of initiation of construction (as defined in § 35.905-4), except as otherwise provided in this section. Generally, payment is not authorized for costs incurred prior to the approved date of initiation of construction, which shall be established in the grant agreement, in accordance with paragraphs (a), (b), and (c) of this section.

(a) Steps 1 or 2:

(1) No prior approval or prior grant award is required for Step 1 or Step 2 work initiated prior to November 1, 1974; payment for all such allowable costs incurred after the approved date of initiation of construction is authorized in conjunction with the first award of grant assistance.

(2) In the case of Step 1 or Step 2 project work initiated after October 31, 1974, no payment is authorized for:

(i) Step 1 costs incurred prior to the date of approval of a plan to study (see §§ 35.917 and 35.930-3(a)(1)); and

(ii) Step 2 costs incurred prior to the date of approval of a facilities plan (see §§ 35.917 and 35.930-3(b)(1)); payment for all Step 1 or Step 2 costs incurred after such dates of approval are authorized in conjunction with the first award of grant assistance.

(3) Where Step 1 or Step 2 project work is initiated after June 30, 1975, no

grant assistance for the Step 1 or Step 2 project work may be awarded unless such award precedes initiation of the project work: *Provided*, That in lieu of award of a Step 1 grant after June 30, 1975, the State agency may request the Regional Administrator to reserve funds for Step 1 grant assistance (based upon approval of the plan of study) and to defer award of grant assistance for Step 1 work, which award, however, must in any event be made within the allotment period for the reserved funds.

(b) Step 3: Except as otherwise provided in this subparagraph, no grant assistance for a Step 3 project may be awarded unless such award precedes initiation of the Step 3 construction. Advance acquisition of major equipment items requiring long lead times, or advance construction of minor portions of treatment works, in emergencies or instances where delay could result in significant cost increases, may be approved by the Regional Administrator, but only (1) if the applicant submits a written and adequately substantiated request for approval, and (2) if written approval by the Regional Administrator is obtained prior to initiation of the advance acquisition or advance construction.

(c) The approval of a plan of study, a facilities plan, or of advance acquisition of equipment or advance construction will not constitute a commitment for approval of grant assistance for a subsequent treatment works project, but will allow payment for the previously approved costs as allowable project costs upon subsequent award of grant assistance, if requested prior to grant award (see § 35.945(a)). In instances where such approval is obtained, the applicant proceeds at its own risk, since payment for such costs cannot be made unless and until grant assistance for the project is awarded.

§ 35.925-19 Section 208: Agencies and plans.

That, pursuant to section 208(d) of the Act, after a waste treatment management agency has been designated for an area, and a final plan for such area has been approved, the applicant is the designated agency and the treatment works project is in conformity with such plan.

§ 35.927 Sewer system evaluation and rehabilitation.

(a) All applicants for grant assistance awarded after July 1, 1973, must demonstrate to the satisfaction of the Regional Administrator that each sewer system discharging into the treatment works project for which grant application is made is not or will not be subject to excessive infiltration/inflow. The determination whether excessive infiltration/inflow exists, may take into account, in addition to flow and related data, other significant factors such as cost-effectiveness (including the cost of substantial treatment works construction delay, see Appendix A to this subpart), public health emergencies, the effects of plant bypassing or overloading, or relevant economic or environmental factors.

(b) The determination whether or not excessive infiltration/inflow exists will generally be accomplished through a sewer system evaluation consisting of (1) certification by the State agency, as appropriate; and, when necessary (2) an infiltration/inflow analysis; and, if appropriate, (3) a sewer system evaluation survey followed by rehabilitation of the sewer system to eliminate an excessive infiltration/inflow defined in the sewer system evaluation. Information submitted to the Regional Administrator for such determination should be the minimum necessary to enable a judgment to be made.

(c) Guidelines on sewer system evaluation published by the Administrator provide further advisory information.

§ 35.927-1 Infiltration/Inflow analysis.

(a) The infiltration/inflow analysis shall demonstrate the non-existence or possible existence of excessive infiltration/inflow in each sewer system tributary to the treatment works. The analysis should identify the presence, flow rate, and type of infiltration/inflow conditions, which exist in the sewer systems. Information to be obtained and evaluated in the analysis should include, to the extent appropriate, the following:

(1) Estimated flow data at the treatment facility, all significant overflows and bypasses, and, if necessary, flows at key points within the sewer system.

(2) Relationship of existing population and industrial contribution to flows in the sewer system.

(3) Geographical and geological conditions which may affect the present and future flow rates or correction costs for the infiltration/inflow.

(4) A discussion of age, length, type, materials of construction and known physical condition of the sewer system.

(b) For determination of the possible existence of excessive infiltration/inflow, the analysis shall include an estimate of the cost of eliminating the infiltration/inflow conditions. These costs shall be compared with estimated total costs for transportation and treatment of the infiltration/inflow. Cost-Effectiveness Analysis Guidelines (Appendix A to this subpart), which contain advisory information, should be consulted with respect to this determination.

(c) If the infiltration/inflow analysis demonstrates the existence or possible existence of excessive infiltration/inflow a detailed plan for a sewer system evaluation survey shall be included in the analysis. The plan shall outline the tasks to be performed in the survey and their estimated costs.

§ 35.927-2 Sewer system evaluation survey.

(a) The sewer system evaluation survey shall consist of a systematic examination of the sewer systems to determine the specific location, estimated flow rate, method of rehabilitation and cost of rehabilitation versus cost of transportation and treatment for each defined source of infiltration/inflow.

(b) The results of the sewer system evaluation survey shall be summarized in a report. In addition, the report shall include:

- (1) A justification for each sewer section cleaned and internally inspected.
- (2) A proposed rehabilitation program for the sewer systems to eliminate all defined excessive infiltration/inflow.

§ 35.927-3 Rehabilitation.

(a) The scope of each treatment works project defined within the Facilities Plan as being required for implementation of the Plan, and for which Federal assistance will be requested, shall define (1) any necessary new treatment works construction, and (2) any rehabilitation work determined by the sewer system evaluation to be necessary for the elimination of excessive infiltration/inflow. However, rehabilitation which should be a part of the applicant's normal operation and maintenance responsibilities shall not be included within the scope of a Step 3 treatment works project.

(b) Grant assistance for a Step 3 project segment consisting of rehabilitation work may be awarded concurrently with Step 2 work for the design of the new treatment works construction.

§ 35.927-4 Sewer use ordinance.

Each applicant for grant assistance for a Step 2, Step 3, or combination Steps 2 and 3 project shall demonstrate to the satisfaction of the Regional Administrator that a sewer use ordinance or other legally binding requirement will be enacted and enforced in each jurisdiction served by the treatment works project before the completion of construction. The ordinance shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewer system and shall ensure that new sewers and connections to the sewer system are properly designed and constructed.

§ 35.927-5 Project procedures.

(a) *State certification.* The State agency may (but need not) certify that excessive infiltration/inflow does or does not exist. The Regional Administrator will determine that excessive infiltration/inflow does not exist on the basis of State certification, if he finds that the State had adequately established the basis for its certification through submission of only the minimum information necessary to enable a judgment to be made. Such information could include a preliminary review by the applicant or State, for example, of such parameters as per capita design flow, ratio of flow to design flow, flow records or flow estimates, bypasses or overflows, or summary analysis of hydrological, geographical, and geological conditions, but this review would not usually be equivalent to a complete infiltration/inflow analysis. State certification must be on a project-by-project basis. If the Regional Administrator determines on the basis of State certification that the treatment works is or may be subject to excessive infiltration/

inflow, no Step 2 or Step 3 grant assistance may be awarded except as provided in paragraph (c) of this section.

(b) *Pre-award sewer system evaluation.* Generally, except as otherwise provided in paragraph (c) of this section, an adequate sewer system evaluation, consisting of a sewer system analysis and, if required, an evaluation survey, is an essential element of Step 1 facilities planning and is a prerequisite to the award of Step 2 or 3 grant assistance. If the Regional Administrator determines through State Certification or an infiltration/inflow analysis that excessive infiltration/inflow does not exist, Step 2 or 3 grant assistance may be awarded. If on the basis of State certification or the infiltration/inflow analysis, the Regional Administrator determines that possible excessive infiltration/inflow exists, an adequate sewer system evaluation survey and, if required, a rehabilitation program must be furnished, except as set forth in paragraph (c) of this section before grant assistance for Step 2 or 3 can be awarded. A Step 1 grant may be awarded for the completion of this segment of Step 1 work, and, upon completion of Step 1, grant assistance for a Step 2 or 3 project (for which priority has been determined pursuant to § 35.915) may be awarded.

(c) *Exception.* In the event it is determined by the Regional Administrator that the treatment works would be regarded (in the absence of an acceptable program of correction) as being subject to excessive or possible excessive infiltration/inflow, grant assistance may be awarded provided that the applicant establishes to the satisfaction of the Regional Administrator that the treatment works project for which grant application is made will not be significantly changed by any subsequent rehabilitation program or will be a component part of any rehabilitated system: *Provided*, That the applicant agrees to complete the sewer system evaluation and any resulting rehabilitation on an implementation schedule the State accepts (subject to approval by the Regional Administrator), which schedule shall be inserted as a special condition in the grant agreement. Compliance with this schedule shall be accomplished pursuant to § 35.935-16 and § 30.304 of this chapter.

(d) Municipalities may submit the infiltration/inflow analysis and when appropriate the sewer system evaluation survey, through the State agency, to the Regional Administrator for his review at any time prior to application for a treatment works grant. Based on such a review, the Regional Administrator shall provide the municipality with a written response indicating either his concurrence or nonconcurrence. The Regional Administrator must concur with the sewer system evaluation survey plan before the work is performed for the survey to be an allowable cost.

§ 35.928 Industrial cost recovery.

The system for industrial cost recovery shall be approved by the Regional Ad-

ministrator and shall be implemented and maintained by the grantee in accordance with § 35.935-13 and the following requirements.

§ 35.928-1 Recovered amounts.

(a) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of the grant and any grant amendment awarded pursuant to this subpart, divided by the recovery period.

(b) The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(c) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than 1 year after such user begins use of the treatment works.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be proportional to its flow, in relation to treatment works flow capacity.

(e) If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(f) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(g) An industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(h) All unallocated treatment works capacity must conform with the requirements of section 204(a)(5) of the Act. Cost-effectiveness guidelines are published as Appendix A to this subpart to furnish additional advisory information concerning the implementation of section 212(2)(C) of the Act.

(i) An industrial user's share shall not include an interest component.

§ 35.928-2 Retained amounts.

(a) The grantee shall retain 50 percent of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(b) A minimum of 80 percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs (in accordance with § 35.940) of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator prior to commit-

ment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the grantee sees fit.

(c) Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government; or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

§ 35.930 Award of grant assistance.

Approval by the Regional Administrator of an application or amendments thereto through execution of a grant agreement (including a grant amendment), in accordance with § 30.305 of this subchapter, shall constitute a contractual obligation of the United States for the payment of the Federal share of the allowable project costs, as determined by the Regional Administrator. Information concerning the approved project furnished in accordance with § 35.920-3 shall be deemed to be incorporated in the grant agreement.

§ 35.930-1 Types of projects.

(a) The Regional Administrator may award grant assistance for the following types of projects pursuant to § 35.925:

(1) *Step 1.* A facilities plan and/or related elements required to apply for Step 2 grant assistance (see § 35.920-3(b)): *Provided*, That he determines that the applicant has submitted the items required pursuant to § 35.920-3(a);

(2) *Step 2.* Preparation of construction drawings and specifications: *Provided*, That he determines that the applicant has submitted the items required pursuant to § 35.920-3(b);

(3) *Step 3.* Building and erection of a treatment works: *Provided*, That he determines that the applicant has submitted the items required pursuant to § 35.920-3(c); or

(4) *Steps 2 and 3.* A combination of design (Step 2) and construction (Step 3) for a treatment works in the case of grants awarded after March 1, 1973:

(i) Where the Regional Administrator determines that compelling water quality enforcement considerations or public health emergencies warrant award of such grant assistance to assure expeditious construction of such treatment works, or

(ii) Where the Regional Administrator determines that award of such grant assistance will minimize administrative requirements in the case of projects not requiring a substantial amount of Federal assistance: *Provided*, That the award authority provided by this subparagraph (4) is subject to the following conditions: that (A) the Regional Administrator determines that the applicant has submitted the items pursuant to § 35.920-3(b); (B) the United States will be contractually obligated to pay only the Fed-

eral share of the approved Step 2 work and will not be contractually obligated to pay the Federal share of Step 3 project costs unless and until the plans and specifications developed during Step 2 are approved; and (C) funds fiscally obligated for Step 3 will be deobligated unless two sets of construction drawings and specifications suitable for bidding purposes are submitted to the Regional Administrator and approved prior to initiation of construction for the building and erection of the treatment works.

(5) *Step 2/3.* Design/construction of treatment works (Steps 2 and 3): *Provided*, That he determines that the applicant has submitted the items required pursuant to § 35.920-3(d): *And further provided*, That such grant assistance must be awarded pursuant to EPA guidelines for the award of design/construct projects, and that the requirements of such guidelines are met.

(b) The Regional Administrator may award Federal assistance by a grant or grant amendment from any allotment or reallocation available to a State pursuant to § 35.910 for payment of 100 percent of any cost of construction of a treatment works (for not more than one facility in any State) required to train and upgrade waste treatment works operation and maintenance personnel, from one or more States, pursuant to section 109(b) of the Act: *Provided*, That the Federal cost of any such training facility shall not exceed \$250,000.

§ 35.930-2 Grant amount.

The amount of grant assistance shall be set forth in the grant agreement. The grant amount may not exceed the amount of funds available from the State allotments and reallocations pursuant to § 35.910. Grant payments will be limited to the Federal share of allowable project costs incurred within the grant amount or any increases in such amount effected through grant amendments in accordance with § 35.955, pursuant to the negotiated payment schedule included in the grant agreement.

§ 35.930-3 Grant term.

The grant agreement shall establish the period within which the project must be completed, in accordance with § 30.305-1 of this chapter, subject to excusable delay.

§ 35.930-4 Project scope.

The grant agreement must define the scope of the project for which Federal assistance is awarded under the grant. The project scope must include a step or an identified segment thereof. With respect to any grant assistance for a treatment works project which is initially funded from funds allocated for any fiscal year beginning after June 30, 1974, provision must be made for the application of best practicable waste treatment technology over the life of the treatment works. However, a grant may be made for a segment of Step 3 treatment works construction, when that segment in and of itself does not provide for achieve-

ment of applicable effluent discharge limitations (secondary treatment, best practicable waste treatment technology, or water quality effluent limitations), provided that: (a) The segment is to be a component of an operable treatment works which will provide for achievement of the applicable effluent discharge limitations, and (b) a commitment for completion of the complete treatment works is submitted to the Regional Administrator and is incorporated as a special condition in the grant agreement.

§ 35.930-5 Federal share.

The grant shall be 75 percent of the estimated total cost of construction of the project approved by the Regional Administrator in the grant agreement, except as otherwise provided in §§ 35.925-15, 35.925-16, 35-925-17, and 35.930-1(b).

§ 35.930-6 Limitation on Federal share.

The grantee must exert its best efforts to perform the project work as specified in the grant agreement within the approved cost ceiling. If at any time the grantee has reason to believe that the costs which it expects to incur in the performance of the project will exceed or be substantially less than the then approved estimated total project cost, the grantee must notify the Regional Administrator and the State agency promptly in writing to that effect, giving the revised estimate of such total cost for the performance of the project then or as soon thereafter as practicable, pursuant to 40 CFR 30.900. Delay in submission of such notice and excess cost information may prejudice approval of an increase in the grant amount. The United States shall not be obligated to pay for costs incurred in excess of the approved grant amount or any amendment thereof until the State has approved an increase in the grant amount from available allotments and the Regional Administrator has approved such increase through issuance of a written grant amendment pursuant to §§ 35.915 and 35.955. Grant payments will be made pursuant to § 35.945.

§ 35.935 Grant conditions.

In addition to the EPA General Grant Conditions (Subpart C of Part 30 and Appendix A to this subchapter), each treatment works grant shall be subject to the following conditions:

§ 35.935-1 Non-Federal construction costs.

The grantee agrees to pay, pursuant to section 204(a)(4) of the Act, the non-Federal costs of treatment works construction associated with the project and commits itself to complete the construction of the operable treatment works (see § 35.905-15) and complete waste treatment system (see § 35.905-3) of which the project is a part.

§ 35.935-2 Procurement; nonrestrictive specifications.

(a) *General.* The grantee must comply with § 35.938 of this subpart in the

construction of any Step 3 or Step 2+3 project. Performance of Step 2 and Step 3 project work may not be accomplished by force account except for (1) Step 1 or Step 2 infiltration/inflow work for which prior written approval has been obtained in accordance with §§ 35.927 to 35.927-5 and (2) segments of Step 3 work, the cost of which is estimated to be under \$25,000. The Regional Administrator will cause appropriate review of grantee procurement methods to be made from time to time.

(b) *Nonrestrictive specifications.* No specification for bids or statement of work in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words "or equal." The single base bid method of solicitation for equipment and parts for determination of a low, responsive bidder may not be utilized. With regard to materials, if a single material is specified, the grantee must be prepared to substantiate the basis for the selection of the material.

§ 35.935-3 Bonding and insurance.

On contracts for the building and erection of treatment works (Step 3) exceeding \$100,000, each bidder must furnish a bid guarantee equivalent to 5 percent of the bid price. In addition the contractor awarded either a design/construct contract or a construction contract for Step 3 must furnish performance and payment bonds, each of which shall be in an amount not less than 100 percent of the contract price. Construction contracts less than \$100,000 shall be subject to State and local requirements relating to bid guarantees, performance and payment bonds. Contractors should obtain such construction insurance (e.g., fire and extended coverage, workmen's compensation, public liability and property damage, and "all risk" builders risk) as is customary and appropriate.

§ 35.935-4 State and local laws.

The construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, territorial, and local laws and ordinances to the extent that such requirements do not conflict with Federal laws and this subchapter.

§ 35.935-5 Davis-Bacon and related statutes.

In the case of any project involving Step 3, the grantee must consult with the Regional Administrator prior to issuance of invitation for bids concerning compliance with Davis-Bacon and related statutes required pursuant to § 30.403 (a), (b), and (c) of this chapter.

§ 35.935-6 Equal employment opportunity.

Generally, contracts involving Step 3, of \$10,000 and above, are subject to equal employment opportunity requirements under Executive Order 11246, including rules, regulations and orders issued thereunder (see Part 8 of this chapter). The grantee must consult with the Regional Administrator concerning equal employment opportunity requirements prior to issuance of invitation for bids where the cost of construction work is estimated to be more than \$1,000,000, or where required by the grant agreement.

§ 35.935-7 Access.

Any contract for Step 1, Step 2 or Step 3 work must provide that representatives of the Environmental Protection Agency and the State will have access to the work whenever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection. Such contract must also provide that the Regional Administrator, the Comptroller General of the United States, or any authorized representative shall have access to any books, documents, papers, and records of the contractor which are pertinent to the project for the purpose of making audit, examination, excerpts, and transcriptions thereof.

§ 35.935-8 Supervision.

In the case of any project involving Step 3, the grantee will provide and maintain competent and adequate engineering supervision and inspection of the project to insure that the construction conforms with the approved plans and specifications.

§ 35.935-9 Project completion.

The grantee agrees to expeditiously initiate and complete the project or cause it to be constructed and completed in accordance with the grant agreement and application approved by the Regional Administrator. The Regional Administrator must terminate the grant if initiation of construction for a Step 3 project has not occurred within one year after award of grant assistance for such project: *Provided*, That the Regional Administrator may defer such termination for not more than six additional months if he determines that there is good cause for the delay in initiation of project construction.

§ 35.935-10 Copies of contract documents.

In addition to the notification of project changes pursuant to § 30.900-1 of this chapter, a copy of any prime contract or modification thereof and of revisions to plans and specifications must be promptly submitted to the Regional Administrator.

§ 35.935-11 Project changes.

In addition to the notification of project changes required pursuant to § 30.900-1 of this chapter, prior approval by

the Regional Administrator and the State agency is required for project changes which may (a) substantially alter the design and scope of the project, (b) alter the type of treatment to be provided, (c) substantially alter the location, size, capacity, or quality of any major item of equipment; or (d) increase the amount of Federal funds needed to complete the project: *Provided*, That prior EPA approval is not required for changes to correct minor errors, minor changes, or emergency changes. No approval of a project change pursuant to § 35.900 of this chapter shall commit or obligate the United States to any increase in the amount of the grant of payments thereunder unless a grant increase is approved pursuant to § 35.955. The preceding sentence shall not preclude submission or consideration of a request for a grant amendment pursuant to § 30.901 of this chapter.

(a) The grantee must make adequate provisions satisfactory to the Regional Administrator for assuring economic, effective, and efficient operation and maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof.

(b) As a minimum, such plan shall include provision for: (1) An operation and maintenance manual for each facility, (2) an emergency operating and response program, (3) properly trained management, operation and maintenance personnel, (4) adequate budget for operation and maintenance, (5) operational reports, and (6) provisions for laboratory testing adequate to determine influent and effluent characteristics and removal efficiencies.

(c) The Regional Administrator shall not pay (1) more than 50 percent of the Federal share of any Step 3 project unless the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft, or (2) more than 90 percent of the Federal share unless the grantee has furnished a satisfactory final operation and maintenance manual.

§ 35.935-13 User charges and industrial cost recovery.

(a) The grantee must obtain the approval of the Regional Administrator of the system of industrial cost recovery (see § 35.928) and of the system of user charges. The Regional Administrator shall not pay more than 50 percent of the Federal share of any Step 3 project unless the grantee has submitted adequate evidence of timely development of its system(s) of user charges and industrial cost recovery nor more than 80 percent of such Federal share unless the Regional Administrator has approved such system(s).

(b) The Regional Administrator may approve a user charge system in accordance with the following criteria:

(1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the grantee's precise area to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(2) For the first year of operation, operation and maintenance costs shall be based upon past experience for existing treatment works or some other rational method that can be demonstrated to be applicable.

(3) The grantee shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs.

(4) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the grantee.

(5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving waste treatment services from the grantee shall have adopted user charge systems. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments or other appropriate authority.

(c) Upon approval of a grantee's system(s) of user charges and industrial cost recovery, implementation and maintenance of such approved system(s) and implementation schedules therefor, shall become a condition of the grant and the grantee shall be subject to the provisions with respect to non-compliance with grant conditions of § 30.404 of this chapter.

(d) The grantee must maintain such records as are necessary to document such compliance.

(e) Guidelines containing illustrative examples of acceptable user charge and industrial cost recovery systems may be consulted for advisory information. The user charge guidelines are contained in Appendix B to this subpart. Cost Recovery Guidelines are published separately and may be obtained from the EPA Regional Office.

§ 35.935-14 Final inspection.

The grantee must notify the Regional Administrator through the State Agency of the completion of Step 3 project construction. The Regional Administrator shall cause final inspection to be made within 60 days of the receipt of the notice. Upon completion of the final inspection and upon determination by the Regional Administrator that the treatment works have been satisfactorily constructed in accordance with the grant

agreement, the grantee may make a request for final payment pursuant to § 35.945(e).

§ 35.935-15 Utilization of small and minority businesses.

It is the policy of the Environmental Protection Agency that grantees must utilize to the maximum practical extent small and minority businesses in procurement under grants involving Steps 1, 2, or 3. In the case of grants of \$10,000,000 or more grantees must institute an affirmative program for the utilization of small and minority businesses prior to award of the grant.

§ 35.935-16 Sewer use ordinance and evaluation/rehabilitation program.

The grantee must obtain the approval of the Regional Administrator of its sewer use ordinance, pursuant to § 35.927-4 of this subpart. The Regional Administrator shall not pay more than 80 percent of the Federal share of any Step 3 project unless he has approved the grantee's sewer use ordinance, and the grantee is complying with the sewer system evaluation and rehabilitation schedule incorporated in the grant agreement pursuant to § 35.927-5.

§ 35.935-17 Training facility.

If assistance has been provided for the construction of a treatment works required to train and upgrade waste treatment works operation and maintenance personnel, pursuant to § 35.930-1(b) and 35.920-3(e), the grantee must provide assurance that the treatment works will be operated as such a training facility for a period of at least ten years, upon completion of construction.

§ 35.937 Contracts for personal and professional services. [Reserved]

§ 35.938 Construction contracts of grantees.

§ 35.938-1 Applicability.

This section applies to contracts awarded by grantees for any Step 3 project or Step 2+3 project, except personal and professional service contracts.

§ 35.938-2 Performance by contract.

It is the policy of the Environmental Protection Agency to encourage free and open competition with regard to project work performed by contract. The project work shall be performed under one or more contracts awarded by the grantee to private firms, except for force account work authorized by § 35.935-2. The following sections define EPA policy for the implementation of the procurement standards set forth in Office of Management and Budget Circular No. A-102, Attachment O (printed at 38 FR 21345, August 7, 1973). Grantee procurement systems should as a minimum provide for the following:

§ 35.938-3 Type of contract.

Each contract shall be either a fixed-price (lump sum) contract or fixed-rate (unit price) contract, or a combination

of the two, unless the Regional Administrator gives advance written approval for the grantee to use some other method of contracting. The cost-plus-a-percentage of cost method of contracting shall not be used.

§ 35.938-4 Formal advertising.

Each contract shall be awarded by means of formal advertising, unless negotiation is permitted in accordance with § 35.938-5. Formal advertising shall be in accordance with the following:

(a) *Adequate public notice.* The grantee will cause adequate notice to be given of the solicitation by publication in newspapers or journals of general circulation, beyond the grantee's locality (Statewide, generally) inviting bids on the project work, and stating the method by which bidding documents may be obtained and/or examined. Where the estimated prospective cost of Step 3 construction is ten million dollars or more, such notice must generally be published in trade journals of Nationwide distribution. The grantee should in addition solicit bids directly from bidders, if it maintains a bidders list.

(b) *Adequate time for preparing bids.* Adequate time, generally not less than 30 days must be allowed between the date when public notice pursuant to paragraph (a) of this section is first published and the date by which bids must be submitted. Bidding documents (including specifications and drawings) shall be available to prospective bidders from the date when such notice is first published.

(c) *Adequate bidding documents.* A reasonable number of bidding documents (invitations for bid) shall be prepared by grantee and shall be furnished upon request on a first-come, first-served basis. A complete set of bidding documents shall be maintained by grantee and shall be available for inspection and copying by any party. Such bidding documents shall include:

(1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection instead of being furnished.);

(2) The terms and conditions of the contract to be awarded;

(3) A clear explanation of the method of bidding and the method of evaluation of bid prices, and the basis and method for award of the contract;

(4) Responsibility requirements or criteria which will be employed in evaluating bidders; *Provided*, That an experience requirement or performance bond may not be utilized unless adequately justified under the particular circumstances by the grantee;

(5) The following statement:

Any contract or contracts awarded under this Invitation for Bids are expected to be funded in part by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its de-

partments, agencies or employees is or will be a party to this Invitation for Bids or any resulting contract;

and

(6) A copy of § 35.938 and § 35.939.

(d) *Sealed bids.* The grantee shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening.

(e) *Amendments to bidding documents.* If grantee desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the amendments shall be communicated in writing to all firms who have obtained bidding documents in time to be considered prior to the bid opening time; when appropriate, the period for submission of bids shall be extended.

(f) *Bid modifications.* A firm which has submitted a bid shall be allowed to modify or withdraw its bid prior to the time of bid opening.

(g) *Public opening of bids.* Grantee shall provide for a public opening of bids at the place, date and time announced in the bidding documents.

(h) *Award to the low responsive, responsible bidder.* (1) After bids are opened, they shall be evaluated by grantee in accordance with the methods and criteria set forth in the bidding documents.

(2) Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder.

(3) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the grantee explaining why each lower bidder was deemed not responsive or nonresponsive.

(4) State or local laws, ordinances, regulations or procedures which are designed or operate to give local or in-State bidders preference over other bidders shall not be employed in evaluating bids.

§ 35.938-5 Negotiation.

Negotiation of contracts (i.e., award of contracts by any method other than formal advertising) is authorized if it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Generally, procurements may be negotiated by the grantee if:

(a) Public exigency will not permit the delay incident to advertising (e.g., an emergency procurement);

(b) The material or service to be procured is available from only one person or firm (and, if the procurement is expected to aggregate more than \$5,000, the Regional Administrator has given prior approval);

(c) The aggregate amount involved does not exceed \$2,500, (except as provided in paragraph (b) of this section);

(d) The procurement is for personal or professional services, or for any service to be rendered by a university or other educational institution;

(e) No responsive, responsible bids at acceptable price levels have been received after formal advertising, and the Regional Administrator has given advance written approval;

(f) The procurement is for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for highly perishable materials, resale, or for technical or specialized supplies requiring substantial initial investment for manufacture. Any negotiated procurement under this paragraph (f) of this section, other than for perishable materials must be approved in advance by the Regional Administrator; or

(g) Negotiation of contracts is otherwise authorized by Federal law, rules, or regulations or approved prior to the procurement by the Regional Administrator.

§ 35.939 Compliance with procurement requirements.

(a) *Grantee responsibility.* The grantee is primarily responsible for selecting the low, responsive, and responsible bidder in accordance with applicable requirements of State, territorial, or local laws or ordinances, as well as the specific requirements of Federal law or this subchapter directly affecting the procurement (for example, the nonrestrictive specification requirement of § 35.935-2(b) or the equal employment opportunity requirement of § 35.935-6) and for the initial resolution of complaints based upon alleged violations. If complaint is made to the Regional Administrator concerning an alleged violation of Federal law or this subchapter in the procurement of construction services or materials for a project involving Step 3, the complaint will be referred to the grantee for resolution. The grantee must promptly determine each such complaint upon its merits permitting the complaining party as well as any other interested party who may be adversely affected, to state in writing or at a conference the basis for their views concerning the proposed procurement. The grantee must promptly furnish to the complaining party and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering and legal opinion, providing a justification for its determination. See paragraph (c) of the section for applicable time limitations.

(b) *Regional Administrator responsibility.* A party adversely affected by an adverse determination of a grantee made pursuant to paragraph (a) of this section, concerning an alleged violation of a specific requirement of Federal law or this subchapter directly affecting the procurement of construction services or material for a project involving Step 3 may request the Regional Administrator to review an adverse determination, subject to the time limitation set forth in paragraph (c) of this section. A copy of

the written adverse determination and supporting justification shall be transmitted with the request for review, together with a statement of the specific reasons why the proposed grantee procurement action would violate Federal requirements. The Regional Administrator will afford both the grantee and the complaining party, as well as any other interested party who may be adversely affected, an opportunity to present the basis for their views in writing or at a conference, and he shall promptly state in writing the basis for his determination of the protest. If the grantee proposes to award the contract or to approve award of a specified sub-item under the contract to a bidder other than the low bidder, the grantee will bear the burden of proving that its determination concerning responsiveness of the low bid is in accordance with Federal law and this subchapter; or, if the basis for the grantee's determination is a finding that the low bidder is not responsible, the grantee must establish and substantiate the basis for its determination and must establish that such determination has been made in good faith. The written determination by the Regional Administrator shall be promptly furnished to the grantee and to the complainant.

(c) *Time limitations.* Complaints should be made pursuant to paragraph (a) of this section as early as possible during the procurement process, preferably prior to issuance of an invitation for bids to avoid disruption of the procurement process: *Provided,* That a complaint authorized by paragraph (a) of this section must be mailed by certified mail (return receipt requested) or delivered no later than five working days after the bid opening. A request for review by the Regional Administrator pursuant to paragraph (b) of this section must be received by the Regional Administrator within one week after the complaining party received the grantee's adverse determination.

(d) *Deferral of Procurement Action.* Where the grantee has received a written compliant pursuant to paragraph (a) of this section, it must defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for ten days after mailing or delivery of any written adverse determination. Where the Regional Administrator has received a written protest pursuant to paragraph (b) of this section, he must notify the grantee promptly and the grantee must defer issuance of its solicitation or award of the construction contract, as appropriate, until ten days after it receives the determination by the Regional Administrator. If a determination is made by either the grantee or the Regional Administrator which is favorable to the complainant, the terms of the solicitation must be revised or the contract must be awarded (as appropriate) in accordance with such determination.

(e) *Enforcement.* Noncompliance with the provisions of this subchapter affecting procurement will result in (1) total

or partial termination of the grant pursuant to § 35.950, (2) ineligibility for grant assistance which could otherwise be awarded under this subchapter or (3) disallowance of project costs (see § 35.940-2(j)) incurred in violation of the provisions of this subchapter or applicable Federal laws, as determined by the Regional Administrator. The grantee may appeal adverse determinations by the Regional Administrator in accordance with the Disputes Article (Article 7 of Appendix A to Subchapter B of this title).

§ 35.940 Determination of allowable costs.

The grantee will be paid, upon request, in accordance with § 35.945, for the Federal share of all necessary costs within the scope of the approved project and determined to be allowable in accordance with § 30.701 of this chapter, this subpart, and the grant agreement.

§ 35.940-1 Allowable project costs.

Allowable project costs of the grantee which are reasonable and necessary are allowable. Necessary costs may include, but are not limited to:

(a) Costs of salaries, benefits, and expendable material incurred by the grantee for the project, except as provided in § 940-2(g).

(b) Costs under construction contracts.

(c) Professional and consultant services.

(d) Facility planning directly related to the treatment works.

(e) Sewer system evaluation (§ 35.927).

(f) Project feasibility and engineering reports.

(g) Costs required pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4621 et seq., 4651 et seq.), and regulations issued thereunder (Part 4 of this chapter).

(h) Costs of complying with the National Environmental Policy Act, including costs of public notices and hearings.

(i) Preparation of construction drawings, specifications, estimates, and construction contract documents.

(j) Landscaping.

(k) Supervision of construction work.

(l) Removal and relocation or replacement of utilities, for which the grantee is legally obligated to pay.

(m) Materials acquired, consumed, or expended specifically for the project.

(n) A reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations.

(o) Development and preparation of an operation and maintenance manual.

(p) Project identification signs (§ 30.604-4 of this chapter).

§ 35.940-2 Unallowable costs.

Costs which are not necessary for the construction of a treatment works project are unallowable. Such costs include, but are not limited to:

(a) Basin or areawide planning not directly related to the project;

(b) Bonus payments not legally required for completion of construction in advance of a contractual completion date;

(c) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or otherwise;

(d) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws;

(e) Costs outside the scope of the approved project;

(f) Interest on bonds or any other form of indebtedness required to finance the project costs;

(g) Ordinary operating expenses of local government, such as salaries and expenses of a mayor, city council members, or city attorney, except as provided in § 35.940-4.

(h) Site acquisition (for example, sewer rights-of-way, sewage treatment plant sites, sanitary landfills and sludge disposal areas) except as otherwise provided in § 35.940-3(a).

(i) Costs for which payment has been or will be received under another Federal assistance program.

(j) Costs of equipment or material procured in violation of § 35.938-4(h).

§ 35.940-3 Costs allowable, if approved.

Certain direct costs are sometimes necessary for the construction of a treatment works and are allowable if reasonable and approved by the Regional Administrator in the grant agreement or a grant amendment. Such costs include, but are not limited to:

(a) Land acquired after October 17, 1972, that will be an integral part of the treatment process or that will be used for ultimate disposal of residues resulting from such treatment (for example, land for spray irrigation of sewage effluent).

(b) Acquisition of an operable portion of a treatment works.

(c) Rate determination studies required pursuant to § 35.925-11.

§ 35.940-4 Indirect costs.

Indirect costs of the grantee shall be allowable in accordance with an indirect cost agreement negotiated and incorporated in the grant agreement. An indirect cost agreement must identify those cost elements allowable pursuant to § 35.940-1. Where the benefits derived from a grantee's indirect services cannot be readily determined, a lump sum for overhead may be negotiated based upon a determination that such amount will be approximately the same as the actual indirect costs that may be incurred.

§ 35.940-5 Disputes concerning allowable costs.

The grantee should seek to resolve any questions relating to cost allowability or allocation at its earliest opportunity (if possible, prior to execution of the grant agreement). Final determinations concerning the allowability of costs shall be conclusive unless appealed within 30 days in accordance with the "Disputes" article (Article 7) of the EPA General

Grant Conditions (Appendix A, Subchapter B of this title).

§ 35.945 Grant payments.

The grantee shall be paid the Federal share of allowable costs incurred within the scope of an approved project, subject to the limitations of §§ 35.925-18, 35.930-5, and 35.930-6; *Provided*, That such payments must be in accordance with the payment schedule and the grant amount set forth in the grant agreement and any amendments thereto. The payment schedule will provide that payment for Step 1 and Step 2 project work will be made only on the basis of completion of the step or, if specified in the payment schedule in the grant agreement, upon completion of specific tasks within the step. All allowable costs incurred prior to initiation of construction of the project must be claimed in the application for grant assistance for that project prior to the award of such assistance or no subsequent payment will be made for such costs.

(a) *Initial request for payment.* Upon award of grant assistance, the grantee may request payment for the unpaid Federal share of actual or estimated allowable project costs incurred prior to grant award subject to the limitations of §§ 35.925-18, and payment for such costs shall be made in accordance with the negotiated payment schedule included in the grant agreement.

(b) *Interim requests for payment.* The grantee may submit requests for payments for allowable costs incurred in accordance with the negotiated payment schedule included in the grant agreement. Upon receipt of a request for payment, subject to the limitations set forth in § 30.602-1 of this subchapter and §§ 35.935-12, 35.935-13, and 35.935-16, the Regional Administrator shall cause to be disbursed from available appropriated funds such amounts as are necessary so that the total amount of Federal payments to the grantee for the project is equal to the Federal share of the actual or estimated allowable project costs incurred to date, as certified by the grantee in its most recent request for payment. Generally, payments will be made within 20 days after receipt of a request for payment.

(c) *Adjustment.* At any time or times prior to final payment under the grant, the Regional Administrator may cause any request(s) for payment to be reviewed or audited. Each payment theretofore made shall be subject to reduction for amounts included in the related request for payment which are found, on the basis of such review or audit, not to constitute allowable costs. Any payment may be reduced for overpayments or increased for underpayments on preceding requests for payment.

(d) *Refunds, rebates, credits, etc.* The Federal share of any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the grantee with respect to the project, to the extent that they are properly allocable to costs for which the grantee

has been paid under a grant, must be credited to the current State allotment or paid to the United States. Reasonable expenses incurred by the grantee for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable under the grant when approved by the Regional Administrator.

(e) *Final payment.* Upon completion of final inspection pursuant to § 35.935-14 and approval of the request for payment designated by the grantee as the "final payment request" and upon compliance by the grantee with all applicable requirements of this subchapter and the grant agreement, the Regional Administrator shall cause to be disbursed to the grantees any balance of allowable project cost which has not been paid to the grantee. The final payment request must be submitted by the grantee promptly after final inspection. Prior to final payment under the grant, the grantee must execute and deliver an assignment to the United States, in form and substance satisfactory to the Regional Counsel, of the Federal share of refunds, rebates, credits or other amounts (including any interest thereon) properly allocable to costs for which the grantee has been paid by the Government under the grant, and a release discharging the United States, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the grant, subject only to such exceptions which may be specified in the release.

§ 35.950 Suspension or termination of grants.

Grants may be suspended, in accordance with § 30.902 of this subchapter and Article 4 of the General Grant Conditions (Appendix A to this subchapter), or terminated, in accordance with § 30.903 of this subchapter and Article 5 of the General Grant Conditions (Appendix A of this subchapter). The State agency shall be concurrently notified in writing of any such suspension or termination action.

§ 35.955 Grant amendments to increase grant amounts.

Grant agreements may be amended in accordance with § 30.901 of this chapter with respect to project changes which have been approved in accordance with § 30.900 and § 35.935-11 of this subchapter: *Provided*, That no grant agreement may be amended to increase the amount of a grant unless the State agency has approved the grant increase from available State allotments and reallocations in accordance with § 35.915.

§ 35.960 Disputes.

Final determinations by the Regional Administrator concerning ineligibility of projects for which priority has been determined in accordance with § 35.915 and final determinations by the Regional Administrator concerning disputes arising under a grant pursuant to this subpart shall be final and conclusive unless ap-

pealed by the applicant or grantee within 30 days from the date of receipt of such final determination in accordance with the "Disputes" article of General Grant Conditions (Article 7 of Appendix A to this subchapter).

APPENDIX A

COST EFFECTIVENESS ANALYSIS GUIDELINES

a. *Purpose.*—These guidelines provide advisory information concerning basic methodology for determining the most cost-effective waste treatment management system or the most cost-effective component part of any waste treatment management system.

b. *Authority.*—The guidelines contained herein are provided pursuant to section 212 (2) (C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

c. *Applicability.*—These guidelines apply to the development of plans for and the selection of component parts of a waste treatment management system for which a Federal grant is awarded under 40 CFR, Part 35.

d. *Definitions.*—Definitions of terms used in these guidelines are as follows:

(1) *Waste treatment management system.*—A system used to restore the integrity of the Nation's waters. Waste treatment management system is used synonymously with complete waste treatment system as defined in 40 CFR, Part 35.905-3.

(2) *Cost-effectiveness analysis.*—An analysis performed to determine which waste treatment management system or component part thereof will result in the minimum total resources costs over time to meet the Federal, State or local requirements.

(3) *Planning period.*—The period over which a waste treatment management system is evaluated for cost-effectiveness. The planning period commences with the initial operation of the system.

(4) *Service life.*—The period of time during which a component of a waste treatment management system will be capable of performing a function.

(5) *Useful life.*—The period of time during which a component of a waste treatment management system will be required to perform a function which is necessary to the system's operation.

e. *Identification, selection and screening of alternatives.*—(1) *Identification of alternatives.*—All feasible alternative waste management systems shall be initially identified. These alternatives should include systems discharging to receiving waters, systems using land or subsurface disposal techniques, and systems employing the reuse of wastewater. In identifying alternatives, the possibility of staged development of the system shall be considered.

(2) *Screening of alternatives.*—The identified alternatives shall be systematically screened to define those capable of meeting the applicable Federal, State, and local criteria.

(3) *Selection of alternatives.*—The screened alternatives shall be initially analyzed to determine which systems have cost-effective potential and which should be fully evaluated according to the cost-effectiveness analysis procedures established in these guidelines.

(4) *Extent of effort.*—The extent of effort and the level of sophistication used in the cost-effectiveness analysis should reflect the size and importance of the project.

f. *Cost-effective analysis procedures.*—(1) *Method of Analysis.*—The resources costs shall be evaluated through the use of opportunity costs. For those resources that can be

expressed in monetary terms, the interest (discount) rate established in section (f) (5) will be used. Monetary costs shall be calculated in terms of present worth values or equivalent annual values over the planning period as defined in section (f) (2). Non-monetary factors (e.g., social and environmental) shall be accounted for descriptively in the analysis in order to determine their significance and impact.

The most cost-effective alternative shall be the waste treatment management system determined from the analysis to have the lowest present worth and/or equivalent annual value without overriding adverse non-monetary costs and to realize at least identical minimum benefits in terms of applicable Federal, State, and local standards for effluent quality, water quality, water reuse and/or land and subsurface disposal.

(2) *Planning period.*—The planning period for the cost-effectiveness analysis shall be 20 years.

(3) *Elements of costs.*—The costs to be considered shall include the total values of the resources attributable to the waste treatment management system or to one of its component parts. To determine these values, all monies necessary for capital construction costs and operation and maintenance costs shall be identified.

Capital construction costs used in a cost-effectiveness analysis shall include all contractors' costs of construction including overhead and profit; costs of land, relocation, and right-of-way and easement acquisition; design engineering, field exploration, and engineering services during construction; administrative and legal services including costs of bond sales; startup costs such as operator training; and interest during construction. Contingency allowances consistent with the level of complexity and detail of the cost estimates shall be included.

Annual costs for operation and maintenance (including routine replacement of equipment and equipment parts) shall be included in the cost-effectiveness analysis. These costs shall be adequate to ensure effective and dependable operation during the planning period for the system. Annual costs shall be divided between fixed annual costs and costs which would be dependent on the annual quantity of wastewater collected and treated.

(4) *Prices.*—The various components of cost shall be calculated on the basis of market prices prevailing at the time of the cost-effectiveness analysis. Inflation of wages and prices shall not be considered in the analysis. The implied assumption is that all prices involved will tend to change over time by approximately the same percentage. Thus, the results of the cost effectiveness analysis will not be affected by changes in the general level of prices.

Exceptions to the foregoing can be made if there is justification for expecting significant changes in the relative prices of certain items during the planning period. If such cases are identified, the expected change in these prices should be made to reflect their future relative deviation from the general price level.

(5) *Interest (discount) rate.*—A rate of 7 percent per year will be used for the cost-effectiveness analysis until the promulgation of the Water Resources Council's "Proposed Principles and Standards for Planning Water and Related Land Resources." After promulgation of the above regulation, the rate established for water resource projects shall be used for the cost-effectiveness analysis.

(6) *Interest during construction.*—In cases where capital expenditures can be expected to be fairly uniform during the construction

period, interest during construction may be calculated as $I \times \frac{1}{2} P \times C$ where:

I = the interest (discount) rate in Section f(5).

P = the construction period in years.

C = the total capital expenditures.

In cases when expenditures will not be uniform, or when the construction period will be greater than three years, interest during construction shall be calculated on a year-by-year basis.

(7) *Service life.*—The service life of treatment works for a cost-effectiveness analysis shall be as follows:

Land Structures	Permanent 30-50 years
(includes plant buildings, concrete process tankage, basins, etc.; sewage collection and conveyance pipelines; lift station structures; tunnels; outfalls)	
Process equipment	15-30 years
(includes major process equipment such as clarifier mechanisms, vacuum filters, etc.; steel process tankage and chemical storage facilities; electrical generating facilities on standby service only).	
Auxiliary equipment	10-15 years
(includes instruments and control facilities; sewage pumps and electric motors; mechanical equipment such as compressors, aeration systems, centrifuges, chlorinators, etc.; electrical generating facilities on regular service).	

Other service life periods will be acceptable when sufficient justification can be provided.

Where a system or a component is for interim service and the anticipated useful life is less than the service life, the useful life shall be substituted for the service life of the facility in the analysis.

(8) *Salvage value.*—Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way easements shall be considered to have a salvage value not greater than the prevailing market value at the time of the analysis.

Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straightline depreciation during the service life of the treatment works.

For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structures.

When the anticipated useful life of a facility is less than 20 years (for analysis of interim facilities), salvage value can be claimed for equipment where it can be clearly demonstrated that a specific market or reuse opportunity will exist.

APPENDIX B

FEDERAL GUIDELINES

USER CHARGES FOR OPERATION AND MAINTENANCE OF PUBLICLY OWNED TREATMENT WORKS

(a) *Purpose.*—To set forth advisory information concerning user charges pursuant to Section 204 of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500,

hereinafter referred to as the Act. Applicable requirements are set forth in Subpart E (40 CFR Part 35).

(b) *Authority.*—The Authority for establishment of the user charge guidelines is contained in section 204(b)(2) of the Act.

(c) *Background.*—Section 204(b)(1) of the Act provides that after March 1, 1973, Federal grant applicants shall be awarded grants only after the Regional Administrator has determined that the applicant has adopted or will adopt a system of charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement. The intent of the Act with respect to user charges is to distribute the cost of operation and maintenance of publicly owned treatment works to the pollutant source and to promote self-sufficiency of treatment works with respect to operation and maintenance costs.

(d) *Definitions.*—(1) *Replacement.*—Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(2) *User charge.*—A charge levied on users of treatment works for the cost of operation and maintenance of such works.

(e) *Classes of users.*—At least two basic types of user charge systems are common. The first is to charge each user a share of the treatment works operation and maintenance costs based on his estimate of measured proportional contribution to the total treatment works loading. The second system establishes classes for users having similar flows and waste water characteristics; i.e., levels of biochemical oxygen demand, suspended solids, etc. Each class is then assigned its share of the waste treatment works operation and maintenance costs based on the proportional contribution of the class to the total treatment works loading. Either system is in compliance with these guidelines.

(f) *Criteria against which to determine the adequacy of user charges.*—The user charge system shall be approved by the Regional Administrator and shall be maintained by the grantee in accordance with the following requirements:

(1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the grantee's jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(2) For the first year of operation, operation and maintenance costs shall be based upon past experience for existing treatment works or some other rational method that can be demonstrated to be applicable.

(3) The grantee shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs.

(4) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the grantee.

(5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers re-

ceiving waste treatment services from the grantee shall have adopted user charge systems in accordance with this guideline. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments or other appropriate authority.

(g) *Model user charge systems.*—The user charge system adopted by the applicant must result in the distribution of treatment works operation and maintenance costs to each user (or user class) in approximate proportion to his contribution to the total wastewater loading of the treatment works. The following user charge models can be used for this purpose; however, the applicant is not limited to their use. The symbols used in the models are as defined below:

C_T = Total operation and maintenance (O. & M.) costs per unit of time.

C_U = A user's charge for O. & M. per unit of time.

C_S = A surcharge for wastewaters of excessive strength.

V_C = O&M cost for transportation and treatment of a unit of wastewater volume.

V_U = Volume contribution from a user per unit of time.

V_T = Total volume contribution from all users per unit of time.

B_C = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).

B_U = Total BOD contribution from a user per unit of time.

B_T = Total BOD contribution from all users per unit of time.

B = Concentration of BOD from a user above a base level.

S_C = O&M cost for treatment of a unit of suspended solids.

S_U = Total suspended solids contribution from a user per unit of time.

S = Concentration of SS from a user above a base level.

P_C = O&M cost for treatment of a unit of any pollutant.

P_U = Total contribution of any pollutant from a user per unit of time.

P_T = Total contribution of any pollutant from all users per unit of time.

P = Concentration of any pollutant from a user above a base level.

(1) *Model No. 1.*—If the treatment works is primarily flow dependent or if the BOD, suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then user charges can be developed on a volume basis in accordance with the model below:

$$C_U = \frac{C_T}{V_T} (V_U)$$

(2) *Model No. 2.*—When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge added to a base charge, calculated by means of Model No. 1, can be levied. The surcharge can be computed by the model below:

$$C_U = [B_C(B) + S_C(S) + P_C(P)] V_U$$

(3) *Model No. 3.*—This model is commonly called the "quantity/quality formula":

$$C_U = V_C V_U + B_C B_U + S_C S_U + P_C P_U$$

(h) *Other considerations.*—(1) Quantity discounts to large volume users will not be acceptable. Savings resulting from economies of scale should be apportioned to all users or user classes.

(2) User charges may be established based on a percentage of the charge for water usage only in cases where the water charge is based on a constant cost per unit of consumption.

[FR Doc. 74-3267 Filed 2-8-74; 8:45 am]

federal register

MONDAY, FEBRUARY 11, 1974

WASHINGTON, D.C.

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PART IV



FEDERAL ENERGY OFFICE



MANDATORY PETROLEUM ALLOCATION

Weekly Petroleum Reporting System

Title 10—Energy
CHAPTER II—FEDERAL ENERGY OFFICE
PART 211—MANDATORY PETROLEUM
ALLOCATION REGULATIONS

Weekly Petroleum Reporting System

This amendment establishes a weekly petroleum reporting system to supply the Federal Energy Office with information regarding refinery production, primary stocks and imports, to be used in connection with the petroleum allocation program and other energy programs. A new § 211.224 requires weekly reports by every refiner and other firm, for each refinery, bulk terminal and crude oil and petroleum products pipeline which they control or operate, and by importers which receive petroleum products by tanker, barge or pipeline. The weekly petroleum reporting system becomes effective on February 22, 1974, and the first weekly reports must be received by March 4, 1974.

In addition, § 211.224 also requires an initial report containing information to be used in connection with the weekly reports. The initial report is to be prepared in accordance with forms and instructions issued by FEO, and must be received by February 15, 1974. The forms and instructions for the initial and weekly reports are published herewith as Appendix A to Part 211.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking

procedure is inapplicable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E. O. 11748, 38 FR 33575; 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 Number 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below effective immediately.

Issued in Washington, D.C., February 7, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.224 is added to 10 CFR Ch. II to read as follows:

§ 221.224 Weekly petroleum reporting system.

(a) This section establishes a weekly petroleum reporting system for each refiner or other firm which operates or controls a (1) refinery, (2) bulk terminal, (3) crude oil pipeline or (4) petroleum products pipeline, and for each importer which imports petroleum products by tanker, barge, or pipeline.

(b) Definitions: For the purposes of this section—

“Bulk terminal” means a facility which is primarily used for the marketing of gasoline, kerosene, and distillate and residual fuel oils and which (1) has total bulk storage capacity of 2,100,000 gallons

or more, or (2) receives its petroleum products by tanker, barge or pipeline.

“Crude oil pipeline” means a common carrier pipeline, licensed by the Interstate Commerce Commission, which carries crude oil.

“Petroleum products pipeline” means a common carrier pipeline, licensed by the Interstate Commerce Commission, which carries petroleum products.

(c) Initial Report: By February 15, 1974, every refiner or other firm, for each facility enumerated in paragraph (a) of this section which it controls or operates, and every importer which receives petroleum products by tanker, barge or pipeline, shall prepare and file with FEO a report entitled “Petroleum Reporting Address Information,” in accordance with forms and instructions issued by FEO.

(d) Weekly report: Every refiner or other firm, for each facility enumerated in paragraph (a) of this section which it controls or operates, and every importer which receives petroleum products by tanker, barge or pipeline, shall prepare and file with FEO a weekly report in accordance with forms and instructions issued by FEO. The weekly petroleum reporting system shall become effective, February 22, 1974. The first weekly report must be received by FEO by 5:00 p.m., March 4, 1974.

2. Appendix A is added to Part 211 to read as follows:

APPENDIX A

PETROLEUM REPORTING ADDRESS INFORMATION

Print or Type All Information in the Indicated Spaces

1. Company Header

A. Company Name

B. Company Address

C. City

D. State

E. ZIP Code

F. Employer ID
Number

2. Reporting Category - Complete
Separate
Form For
Each Type

- (A) Refinery
- (B) Bulk Terminal Operating Company
- (C) Crude Oil Pipeline Company
- (D) Products Pipeline Company
- (E) Importer

For Government Use:

BOM # _____

PAD _____

State Code _____

3. Reporting Office

A. Reporting Agent

B. Telephone Number

Area Code	Number	Extension
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For Reporting Done Separate From Company
Address

C. Reporting Office

D. Reporting Address

E. City	F. State
---------	----------

G. ZIP Code	H. BOM ID
-------------	-----------

4. Report Cutoff Time

- 7:00 AM Friday
- Other, Specify _____

FEO-RA

RULES AND REGULATIONS

PETROLEUM REPORTING ADDRESS INFORMATION
(FEO-RA)INSTRUCTIONS

This report is due at FEO on February 15, 1974.

1. Company Header

- A. Company Name – Enter the name of the company or subsidiary.
- B. Company Address – Enter company or subsidiary street address or box number.
- C. City – Enter city name.
- D. State – Enter state name.
- E. Zip Code – Enter zip code.
- F. Employer Identification Number (EIN) – Enter nine (9) digit Internal Revenue Service EIN assigned to company or subsidiary.

2. Reporting Category

Check one only, complete separate form for each separate type of reporting unit.

- A. Refinery means all those industrial plants, regardless of capacity, processing crude oil feedstocks and manufacturing refined petroleum products, except when such plant is a petrochemical plant.
- B. Bulk terminal means a facility which is primarily used for the marketing of gasoline, kerosene, and distillate and residual fuel oils and which (1) has total bulk storage capacity of 2,100,000 gallons or more, or (2) receives their petroleum products by tanker, barge, or pipeline.
- C. Crude Oil Pipeline means a common carrier pipelines licensed by the Interstate Commerce Commission, which carries crude oil.
- D. Petroleum Product Pipeline means a common carrier pipelines licensed by the Interstate Commerce Commission, which carries petroleum products.
- E. Importers—any firm, corporation, cooperative or government unit (exclude the Department of Defense) or any other person that receives any allocated substance into this country to the first place of storage, not necessarily the holder of import license. Only those receiving petroleum products by tanker, barge or pipeline must report.

3. Reporting Office

- A. Reporting Agent – Enter name of person, preferably who will prepare the FEO Weekly Petroleum Report, who may be contacted with questions concerning the report.
- B. Telephone Number – Enter the area code, number and extension where this person may be called.

3C-H. To be completed if the reporting office address is different from the company address.

- C. Reporting Office Name – Enter name of Reporting Office. Refineries should enter the plant name, company divisions should enter division name, others should enter office or group name as appropriate.

D. Reporting Office Address — Enter the address of the reporting office.

E. City — Enter city of reporting office.

F. State — Enter state of reporting office.

G. Zip Code — Enter zip code of reporting office.

H. BOM ID — Enter the six (6) position Bureau of Mines identification code, if known.

4. Report Cutoff Time

Check one only. Indicate report cutoff time of 7:00 A.M. Friday by checking the first box. For those companies where 7:00 A.M. Friday report cutoff is inconsistent with the normal accounting procedures of the company, a time within 24 hours of the 7:00 Friday time may be acceptable. If you request an exception to this time, check the second box and specify both the day and time you propose for a cutoff (e.g., Thursday, 12:00 P.M.). An exception to the cutoff time does not effect the Monday, 5:00 P.M. reporting requirement.

FEDERAL ENERGY OFFICE
WEEKLY REFINERY REPORT

Name of Refinery _____
 Street or Box No. _____
 City and State _____
 FEO Identification Number

Correction Check
 Address Change Check
 Reporting Agent (Print Full Name) _____
 Telephone Number () _____
 For Week Ended 7 A.M. _____

Zip Code

All Figures Entered Below Should be Reported on a Consistent Basis With Those Figures Reported Monthly to the Bureau of Mines (Report All Figures in Thousands of 42-Gallon Barrels).

Item Description (1)	Product Code (2)	Stocks at Beginning of Reporting Period (3)	Receipts During Reporting Period (4)	Inputs During Reporting Period (5)	Production During Reporting Period (6)	Shipments, Losses, and Refinery Fuel Use During Reporting Period (7)	Stocks at End of Reporting Period (8)
1. Domestic Crude Oil	1312-010						
2. Foreign Crude Oil	1312-020						
3. Natural Gas Liquids	1321-200						
4. Domestic Unfinished Oils	2911-813						
5. Foreign Unfinished Oils	2911-814						
6. Motor Gasoline	2911-131						
7. Aviation Gasoline	2911-111						
8. Naphtha-Type Jet Fuel	2911-211						
9. Kerosene-Type Jet Fuel	2911-213						
10. Kerosene (Including Range Oil)	2911-311						
11. Distillate Fuel Oil (Less No. 4)	2911-412						
12. Fuel Oil No. 4	2911-414						
13. Residual Fuel Oil	2911-511						
14. Total Throughput to Distillation Units							

INSTRUCTIONS FOR PREPARATION OF THE WEEKLY REFINERY REPORT
(FEO-RF-1003)

The first report is due March 4, 1974 at 5:00 PM, for the week of February 22 through March 1, 1974. Subsequent reports are due each Monday for the previous week.

IDENTIFICATION DATA

This report must be completed by all refiners or other firms for each refinery operated or controlled by them in the 50 states, the District of Columbia, and Puerto Rico.

Name and Address: Enter the legal name and address of the refinery, including the zip code where the refinery is located (not the refiner's executive offices).

FEO Identification Number: Enter the six-digit company code which the FEO has assigned to you. This number is included in the cover letter of your instruction kit. If you do not presently have this number, FEO will assign you one. Remember that you must submit the form regardless of whether you know your FEO identification number.

Correction Check: Please check (✓) this box if this form is used to report revisions to last week's figures. Make sure to only include the new figures and not the entire revised form for the previous week. Remember to enter the total figures and not changes from last week. Use separate forms for revisions and for this week's data.

Address Change Check: Please check (✓) the designated box if your current week's address is different from last week's address.

Reporting Agent: Include the name of the person who has completed the Weekly Refinery Report.

Telephone Number: Enter the telephone number of the person who has prepared the report form. Make sure to include the area code.

For Week Ended 7 a.m.: Weekly reports to the FEO should cover the 7-day period ending 7 a.m. on Friday. Indicate the specific month and ending day using the following format: "Month/Day/Year" (e.g. 03/15/74). Please use the following numerical codes for each month in order to design a six-digit date code:

January 01	April 04	July 07	October 10
February 02	May 05	August 08	November 11
March 03	June 06	September 09	December 12

SUMMARY TABULAR DATA

Column 1: Refer to the enclosed section, "Product Definitions."

Column 2: The corresponding product codes have either been directly borrowed or derived from the Bureau of Mines product codes.

Column 3: Enter the beginning of the month refinery stocks which are expressed in thousands of 42-gallon barrels. Report all stocks in custody of the refinery, regardless of ownership.

Column 4: Submit the total amount of crude petroleum and petroleum products which are received at the refinery during the week.

Column 5: Enter the amount of crude oil, unfinished oils, and natural gas liquids which are used as inputs for the refining process. Please do not confuse inputs with receipts since inputs may be either drawn from current receipts or from existing stocks.

Column 6: Include the current week's production level (in thousands of 42-gallon barrels) for each item.

Column 7: Enter shipments from the refinery and all losses (including the refinery's own fuel use during the week).

Column 8: Enter the end-of-week stocks held in custody by the refinery for each item.

NOTES: The following arithmetic check is suggested for each line entry: For items 1-5, the sum of columns 3, 4, and 6 should equal the sum of columns 5, 7, and 8. Shaded columns are to be considered "zero" entries.

Also, remember to fill in all non-shaded blanks unless the form is being used to report revisions. If necessary, include zero (0) as an entry, but do not leave any blank spaces.

PRODUCT DEFINITIONS

Report Item Numbers

1. Domestic Crude Oil: A crude petroleum produced in the United States or from its "outer continental shelf" as defined in 43 U.S.C. 1331. (Puerto Rico is considered to be a part of U.S. for this system).
2. Foreign Crude Oil: A crude petroleum produced outside of the United States (Puerto Rico is considered to be a part of the U.S. for this system).
3. Natural Gas Liquids: Include isobutane, normal butane, other butanes, butane-propane mixtures, natural gasoline, isopentane, and plant condensate.
4. Domestic Unfinished Oils: Unfinished oils are all oils which require further processing. Further processing means any refinery operation except mechanical blending. Domestic unfinished oils are those unfinished oils which are produced within the confines of the 50 states, the District of Columbia, and Puerto Rico.
5. Foreign Unfinished Oils: Unfinished oils are all oils which require further processing. Further processing means any refinery operation except mechanical blending. Foreign unfinished oils are those unfinished oils which are imported from countries and trust territories outside the 50 states, the District of Columbia, and Puerto Rico.
6. Motor gasoline: A mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.
7. Aviation gasoline: Petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM—specification D-910-70).
8. Naphtha-Type Jet Fuel: Include all naphtha base aviation turbine engine fuels Type A.
9. Kerosene-Type Jet Fuel: Include all kerosene base aviation turbine engine fuels Type A.
10. Kerosene and Range Oil: The lighting or burning grade of kerosene.
11. Distillate Fuel Oil: A.S.T.M.* Grades 1 and 2 and distillate-type diesel fuel oil.
12. Fuel Oil #4: A.S.T.M. Grade 4 fuel oil.
13. Residual fuel oil: The fuel oils commonly known as: (1) No. 5 and No. 6 fuel oils; (2) Bunker C; (3) Navy Special Fuel Oil; (4) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty-percent boiling point over 700° F, in the ASTM D-86 standard distillation test.
14. Total throughput to Distillation Units: Enter the sum of all refinery inputs which are processed directly through distillation units.

*American Society for Testing and Materials.

FEDERAL ENERGY OFFICE
WEEKLY BULK TERMINAL STOCKS REPORT

Name of Terminal Operating Company _____
 Street or Box No. _____
 City and State _____ ZIP Code _____
 FEO Identification Number _____

Correction Check
 Address Change Check
 Reporting Agent (Print Full Name) _____
 Telephone Number (____) _____
 For Week Ended 7 A.M. ____/____/____

All Figures Entered Below Should be Reported on a Consistent Basis with those Reported Monthly to The Bureau of Mines.

I. Bulk Terminal Stocks of Petroleum Products Held in Custody by Your Company at the Beginning of the Reporting Period According to P.A.D. District (Report all Figures in Thousands of 42-Gallon Barrels).

Item Description (1)	Product Code (2)	P.A.D. Districts						Total (11)			
		IA (3)	IB (4)	IC (5)	II (6)	III (7)	IV (8)		V (9)	VI (10)	
1. Motor Gasoline	2911-131										
2. Aviation Gasoline	2911-111										
3. Naphtha-Type Jet Fuel	2911-211										
4. Kerosene-Type Jet Fuel	2911-213										
5. Kerosene (Including Range Oil)	2911-311										
6. Distillate Fuel Oil (Less No. 4)	2911-412										
7. Fuel Oil No. 4	2911-414										
8. Residual Fuel Oil	2911-511										

II. Bulk Terminal Stocks of Petroleum Products Held in Custody By Your Company at The end of The Reporting According To P.A.D. District (Report All Figures In Thousands of 42-Gallon Barrels).

Item Description (1)	Product Code (2)	P.A.D. Districts						Total (11)			
		IA (3)	IB (4)	IC (5)	II (6)	III (7)	IV (8)		V (9)	VI (10)	
1. Motor Gasoline	2911-131										
2. Aviation Gasoline	2911-111										
3. Naphtha-Type Jet Fuel	2911-211										
4. Kerosene-Type Jet Fuel	2911-213										
5. Kerosene (Including Range Oil)	2911-311										
6. Distillate Fuel Oil (Less No. 4)	2911-412										
7. Fuel Oil No. 4	2911-414										
8. Residual Fuel Oil	2911-511										

INSTRUCTIONS FOR PREPARATION OF THE WEEKLY BULK TERMINAL STOCKS REPORT
(FEO-BT-1006)

The first report is due March 4, 1974 at 5:00 PM, for the week February 22 through March 1, 1974, Subsequent reports are due each Monday for the previous week.

IDENTIFICATION DATA

This report form must be completed by every terminal operating company to include all bulk terminals it operates within each P.A.D. District.

Name and Address: Enter the legal name and address of the terminal operating company including the company's zip code.

FEO Identification Number: Enter the six-digit code which the FEO has assigned to you. This number is included in the cover letter of your instruction kit. If you do not presently have this number, FEO will assign you one. Remember that you must submit the form regardless of whether you know your FEO identification number.

Correction Check: Please check (✓) this box if this form is used to report revisions to last week's figures. Make sure to only include the new figures and not the entire revised form for the previous week. Remember to enter the total figures and not changes from last week. Use separate forms for revisions and for this week's data.

Address Change Check: Please check (✓) the designated box if your current week's address is different from last week's address.

Reporting Agent: Include the name of the person who has completed the Weekly Bulk Terminal Stocks Report.

Telephone Number: Enter the telephone number of the person who has prepared the report form. Make sure to include the area code.

For Week Ended 7 a.m.: Weekly reports to the FEO should cover the 7-day period ending 7 a.m. Indicate the specific month and ending day using the following format: "Month/Day/Year" (e.g., 03/15/74). Please use the following numerical codes for each month in order to design a six-digit date code:

January 01	April 04	July 07	October 10
February 02	May 05	August 08	November 11
March 03	June 06	September 09	December 12

SUMMARY TABULAR DATA IN SECTIONS I AND II

Column 1: Refer to the enclosed section, "Product Definitions."

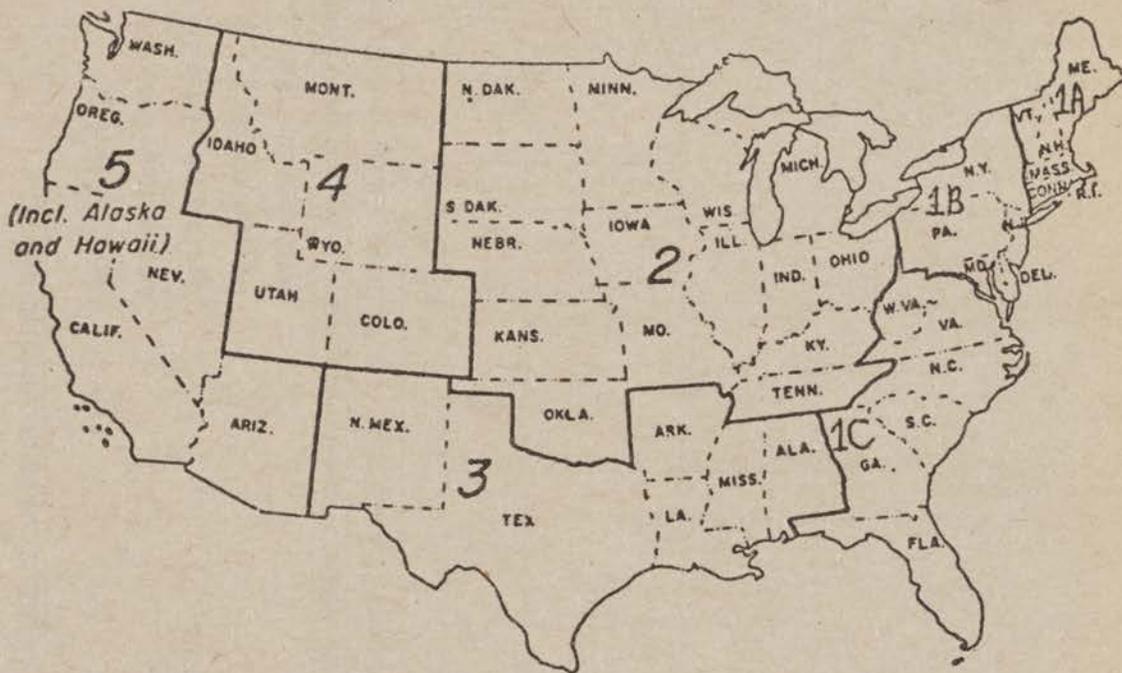
Column 2: The corresponding product codes have either been directly borrowed or derived from the Bureau of Mines product codes.

Columns 3-11: (Beginning and End of Week Inventory Data)

1. Report all figures in thousands of 42-gallon barrels.
2. All figures should represent actual physical inventories. Make sure to include the individual product totals in column 11.
3. Remember to fill in all blanks unless the form is being used to report revisions. If necessary, include zero (0) as an entry, but do not leave any blank spaces.

4. Bulk terminal means a facility which is primarily used for the marketing of gasoline, kerosene and distillate and residual fuel oils and which (1) has total bulk storage capacity of 2,100,000 gallons or more or (2) receives its petroleum products by tanker, barge or pipeline.
5. Stocks: Report stocks corrected to 60° F. less bottom settlements and water (BS&W). Include all stocks of domestic origin held by your company at bulk terminals and in transit by tanker. Include all stocks of foreign origin held in the custody of your company at bulk terminals, which have cleared customs for domestic consumption. Exclude stocks of foreign origin held in bond.
6. Consult the following diagram to identify the regional breakdown by P.A.D. Districts. Note that P.A.D. District 1 has been subdivided into three categories: New England (1A), Central Atlantic (1B), and Lower Atlantic (1C). The District of Columbia is included in P.A.D. District 1B, and P.A.D. 6 is Puerto Rico.

PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS



PRODUCT DEFINITIONS

Report Item Numbers:

1. Motor gasoline: A mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F, and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.
2. Aviation gasoline: Petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM—specification D-910-70).
3. Naphtha-Type Jet Fuel: Include all naphtha base aviation turbine engine fuels Type B.

4. Kerosene-Type Jet Fuel: Include all kerosene base aviation turbine engine fuels Type A.
5. Kerosene and Range Oil: The lighting or burning grade of kerosene.
6. Distillate Fuel Oil: Includes A.S.T.M.* Grades 1 and 2 and distillate-type diesel fuel oil.
7. Fuel Oil #4: A.S.T.M.* Grade 4 fuel oil.
8. Residual fuel oil: The fuel oils commonly known as: (1) No. 5 and No. 6 fuel oils; (2) Bunker C; (3) Navy Special Fuel Oil; (4) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty-percent boiling point over 700° F, in the ASTM D-86 standard distillation test.

*American Society for Testing and Materials.

FEDERAL ENERGY OFFICE

WEEKLY CRUDE OIL PIPELINE REPORT

Name of Pipeline Company _____ Correction Check

Street or Box No. _____ Address Change Check

City and State _____ ZIP Code Reporting Agent (Print Full Name) _____

FEO Identification Number Telephone Number () _____

For Week Ended 7 A.M. _____ / _____ / _____

All Figures Entered Below Should be Reported on a Consistent Basis with those Figures Reported Monthly to The Bureau of Mines.

Stocks of Crude Oil in Pipelines and Tank-Farms at End of Reporting Period By P.A.D. District (Report All Figures in Thousands of 42-Gallon Barrels).

Item Description (1)	Product Code (2)	P.A.D. Districts					Total (10)			
		IA (3)	IB (4)	IC (5)	II (6)	III (7)		IV (8)	V (9)	
1. Domestic Crude Oil	1312-010									
2. Foreign Crude Oil	1312-020									

INSTRUCTIONS FOR PREPARATION OF THEWEEKLY CRUDE OIL PIPELINE REPORT

(FEO-CP-1002)

The first report is due March 4, 1974 at 5:00 PM, for the week February 22 through March 1, 1974. Subsequent reports are due each Monday for the previous week.

IDENTIFICATION DATA

This report form must be completed by all crude oil pipeline companies in the 50 states and the District of Columbia.

Name and Address: Enter the legal name and address of the crude oil pipeline company including the company's zip code.

FEO Identification Number: Enter the six-digit code which the FEO has assigned to you. This number is included in the cover letter of your instruction kit. If you do not presently have this number, FEO will assign you one. Remember that you must submit the form regardless of whether you know your FEO identification number.

Correction Check: Please check (✓) this box if this form is used to report revisions to last week's figures. Make sure to only include the new figures and not the entire revised form for the previous week. Remember to enter the total figures and not changes from last week. Use separate forms for revisions and for this week's data.

Address Change Check: Please check (✓) the designated box if your current week's address is different from last week's address.

Reporting Agent: Include the name of the person who has completed the Weekly Crude Oil Pipeline Report.

Telephone Number: Enter the telephone number of the person who has prepared the report form. Make sure to include the area code.

For Week Ended 7 a.m.:

7-day period ending 7 a.m. Friday. Indicate the specific month and ending day using the following format: Month/Day/Year (e.g., 03/15/74) Please use the following numerical codes for each month in order to design a six-digit date code:

January 01	April 04	July 07	October 10
February 02	May 05	August 08	November 11
March 03	June 06	September 09	December 12

SUMMARY TABULAR DATAGeneral Instructions:

1. Report all figures in thousands of 42-gallon barrels.
2. All figures should represent actual physical inventories of crude oil on the last day of the reporting period.
3. Report all stocks of crude oil on a custody basis, regardless of ownership.
4. Report stocks corrected to 60° F. less bottom settlings and water (BS&W).

5. Remember to fill in all blanks unless the report is being used to report revisions. If necessary, include zero (0) as an entry, but do not leave any blank spaces.

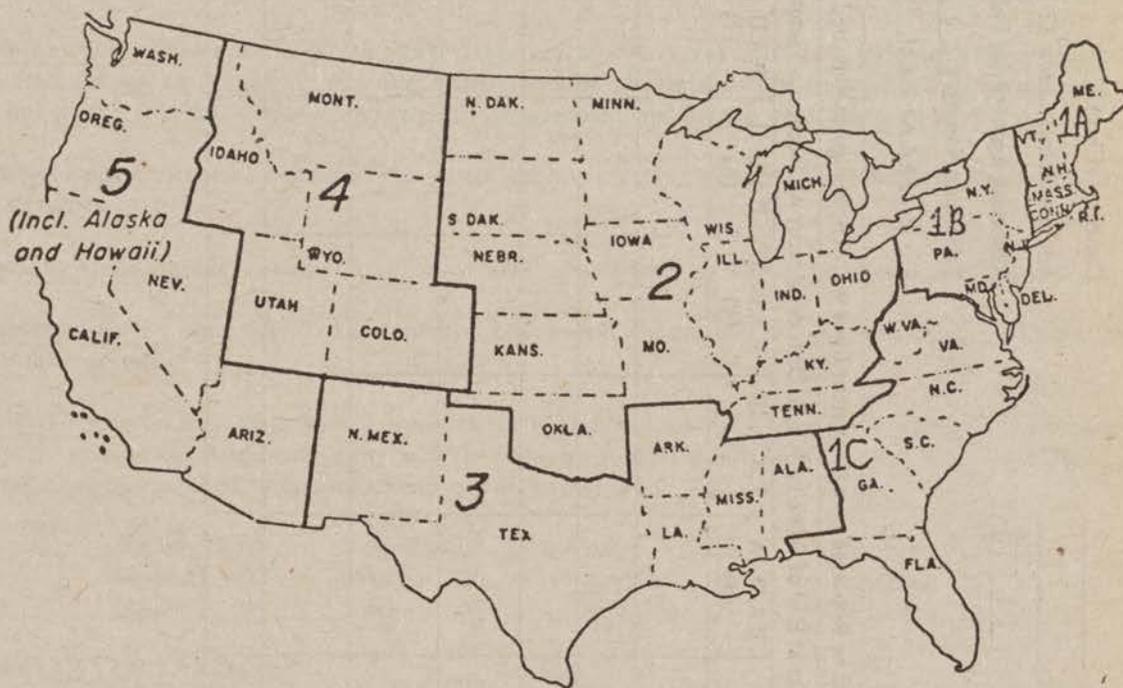
Column 1: Refer to the enclosed section, "Product Definitions"

Column 2: The corresponding product codes have been directly borrowed from the Bureau of Mines product codes.

Columns 3-10: Include all crude oil stocks of domestic origin held in tank farms operated by the reporting company, including pipeline fill and stocks in working tanks of pipelines. Include as stocks of foreign origin only those that have cleared customs or for which duty has been paid. Exclude stocks of foreign origin held in bonded storage. List the stocks data by P.A.D. District, and make sure to include individual product totals in column 10.

Consult the following diagram to identify the regional breakdown by P.A.D. Districts. Note that P.A.D. District 1 has been subdivided into three categories: New England (1A), Central Atlantic (1B), and Lower Atlantic (1C). The District of Columbia is included in P.A.D. 1B.

PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS



PRODUCT DEFINITIONS

Report Item Numbers

- Domestic Crude Oil: A crude petroleum produced in the United States or from the "outer continental shelf" as defined in 43 U.S.C. 1331. (Puerto Rico is considered to be a part of the U.S. for this system).
- Foreign Crude Oil: A crude petroleum produced outside of the United States. (Puerto Rico is considered to be a part of the United States for this system).

FEDERAL ENERGY OFFICE

WEEKLY PRODUCTS PIPELINE REPORT

Name of Pipeline Company _____

Street or Box No. _____

City and State _____ ZIP Code

FEO Identification Number

Correction Check

Address Change Check

Reporting Agent (Print Full Name) _____

Telephone Number () _____

For Week Ended 7 A.M. _____

All Figures Entered Below Should be Reported on a Consistent Basis With Those Figures Reported Monthly to the Bureau of Mines.

Stocks of Pipeline Products in Lines and Working Tanks at End of Week by P.A.D. District (Report All Figures in Thousands 42-Gallon Barrels).

Item Description (1)	Product Code (2)	P.A.D. IA (3)	P.A.D. IB (4)	P.A.D. IC (5)	P.A.D. II (6)	P.A.D. III (7)	P.A.D. IV (8)	P.A.D. V (9)	Total (10)
1. Motor Gasoline	2911-131								
2. Aviation Gasoline	2911-111								
3. Naphtha Type Jet Fuel	2911-211								
4. Kerosene-Type Jet Fuel	2911-213								
5. Kerosene (Including Range Oil)	2911-311								
6. Distillate Fuel Oil (Less No. 4)	2911-412								
7. Fuel Oil No. 4	2911-414								

INSTRUCTIONS FOR PREPARATION OF THE
WEEKLY PRODUCTS PIPELINE REPORT
(FEO-PP-1004)

The first report is due March 4, 1974, at 5:00 pm, for the week February 22 through March 1, 1974. Subsequent reports are due each Monday for the previous week.

IDENTIFICATION DATA

This report form must be completed by all petroleum product pipeline companies in the 50 states and the District of Columbia.

Name and Address: Enter the legal name and address of the products pipeline company including the company's zip code.

FEO Identification Number: Enter the six-digit code which the FEO has assigned to you. This number is included in the cover letter of your instruction kit. If you do not presently have this number, FEO will assign you one. Remember that you must submit the form regardless of whether you know your FEO identification number.

Correction Check: Please check (✓) this box if this form is used to report revisions to last week's figures. Make sure to include the new figures and not the entire revised form for the previous week. Remember to enter the total figures and not changes from last week. Use separate forms for revisions and for this week's data.

Address Change Check: Please check (✓) the designated box if your current week's address is different from last week's address.

Reporting Agent: Include the name of the person who has completed the Weekly Products Pipeline Report.

Telephone Number: Enter the telephone number of the person who has prepared the report form. Make sure to include the area code.

For Week Ended 7 a.m. Friday: Weekly reports to the FEO should cover the 7-day period ending 7 a.m. Friday. Indicate the specific month and ending day using the following format: Month/Day/Year (e.g., 03/15/74). Please use the following numerical codes for each month in order to design a six-digit data code:

January	01	April	04	July	07	October	10
February	02	May	05	August	08	November	11
March	03	June	06	September	09	December	12

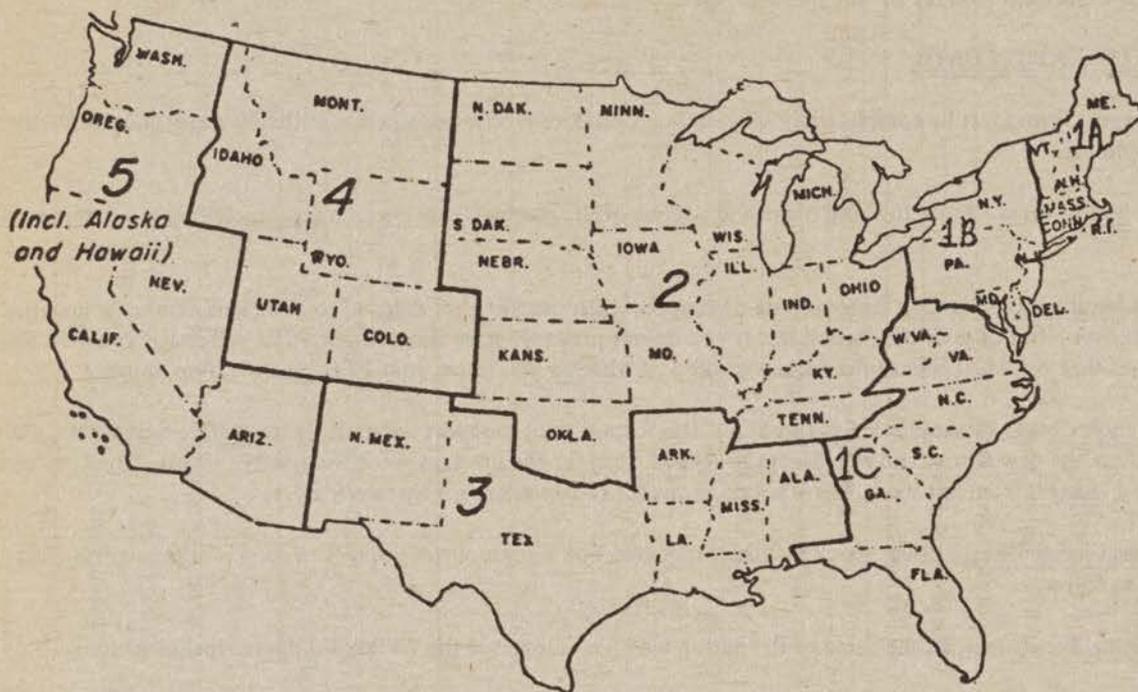
SUMMARY TABULAR DATA

1. Report all figures in thousands of 42-gallon barrels.
2. All figures should represent actual inventories of petroleum products on the last day of the reporting period.
3. Report all stocks on a custody basis, regardless of ownership.
4. Report stocks corrected to 60°F less bottom settlings and water (BS&W).
5. Remember to fill in all blanks unless the form is being used to report revisions. If necessary, include zero (0) as an entry, but do not leave any blank spaces.

Column 1: Refer to the enclosed section, "Product Definitions".

Column 2: The corresponding product codes have either been directly borrowed or derived from the Bureau of Mines product codes.

Columns 3-10: Enter the total stocks of pipeline products in lines and working tanks at the end of the reporting period by individual P.A.D. Districts. Make sure to include individual product totals in column 10. Consult the following diagram to identify the regional breakdown by P.A.D. Districts. Note that P.A.D. District 1 has been subdivided into three categories: New England (1A), Central Atlantic (1B), and Lower Atlantic (1C). The District of Columbia is included in P.A.D. 1B.



PRODUCT DEFINITIONS

Report Item Numbers

1. Motor gasoline: A mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.
2. Aviation gasoline: Petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM—specification D-910-70).
3. Naphtha-Type Jet Fuel: Include all naphtha base aviation turbine engine fuels Type B.
4. Kerosene-Type Jet Fuel: Include all kerosene base aviation turbine engine fuels Type A.
5. Kerosene and Range Oil: The lighting or burning grade of kerosene.
6. Distillate Fuel Oil: Include A.S.T.M.* grades 1 and 2 and distillate-type diesel fuel oil.
7. Fuel Oil #4: A.S.T.M. Grade 4 fuel oil.

*American Society for Testing and Materials.

FEDERAL ENERGY OFFICE

WEEKLY PRODUCT IMPORTS REPORT

Name of Dealer _____
 Street or Box No. _____
 City and State _____ ZIP Code
 FEO Identification Number
 Correction Check
 Address Change Check
 Reporting Agent (Print Full Name) _____
 Telephone Number () _____
 For Period Ended 7 A.M. _____ / _____ / _____

All Figures Entered Below Should be Reported on a Consistent Basis with Those Figures Reported Monthly to the Bureau of Mines

Imports (Receipts) of Foreign Crude Petroleum and Petroleum Products by P.A.D. District (Report all Figures in Thousands of 42-Gallon Barrels).

Item Description (1)	Product Code (2)	P.A.D. Districts						Total (11)			
		IA (3)	IB (4)	IC (5)	II (6)	III (7)	IV (8)		V (9)	VI (10)	
1. Motor Gasoline	2911-131										
2. Aviation Gasoline	2911-111										
3. Naphtha-Type Jet Fuel	2911-211										
4. Kerosene-Type Jet Fuel	2911-213										
5. Kerosene (Including Range Oil)	2911-311										
6. Distillate Fuel Oil (Less No. 4)	2911-412										
7. Fuel Oil No. 4	2911-414										
8. Residual Fuel Oil	2911-511										
9. Crude Oil Used Directly As A Fuel	2911-513										

INSTRUCTIONS FOR PREPARATION OF THE WEEKLY IMPORTS REPORT
(FEO-IM-1005)

The first report is due March 4, 1974 at 5:00 PM, for the week February 22 through March 1, 1974. Subsequent reports are due each Monday for the previous week.

IDENTIFICATION DATA

This report form must be completed by all companies in the 50 states, the District of Columbia and Puerto Rico who import petroleum products by ocean vessel or pipeline. Reports will be completed by terminal operators who take petroleum products into custody and who are not necessarily the importers of record.

Name and Address: Enter the legal name and address of the importing company including the company's zip code.

FEO Identification Number: Enter the six-digit code which is located on the cover sheet of your form kit. FEO has assigned each known petroleum importer a unique identification number, but if you do not presently have this number FEO will assign you one. Remember that you must submit the form regardless of whether you know your FEO identification number.

Correction Check: Please check (✓) the box if this form is used to report revisions to last week's figures. Make sure to only include the new figure and not the entire revised form for the previous week. Remember to enter the total figures and not changes from last week. Use separate forms for revisions and for this week's data.

Address Change Check: Please check (✓) the designated box if your current week's address is different from last week's address.

Reporting Agent: Include the name of the person who has completed the Weekly Imports Report.

Telephone Number: Enter the telephone number of the person who has prepared the report form. Make sure to include the area code.

For Period Ended 7 A.M.: Weekly reports to the FEO should cover the 7-day period ending 7 a.m. Friday.

However, submissions of report must be divided up for a week which falls in between two calendar months. To circumvent this problem, submit two separate forms using the following rule:

- a) Submit the first form which covers from 7 A.M. of the last Friday of Month I to 11:59 P.M. of the last day of Month I.
- b) Submit the second form which covers from 12:01 A.M. of the first day of Month II to 7 A.M. of the first Friday of Month II.

Indicate the specific month and ending day using the following format: "Month/Day/Year" (e.g., March 15, 1974). Please use the following numerical codes for each month in order to design a six-digit date code:

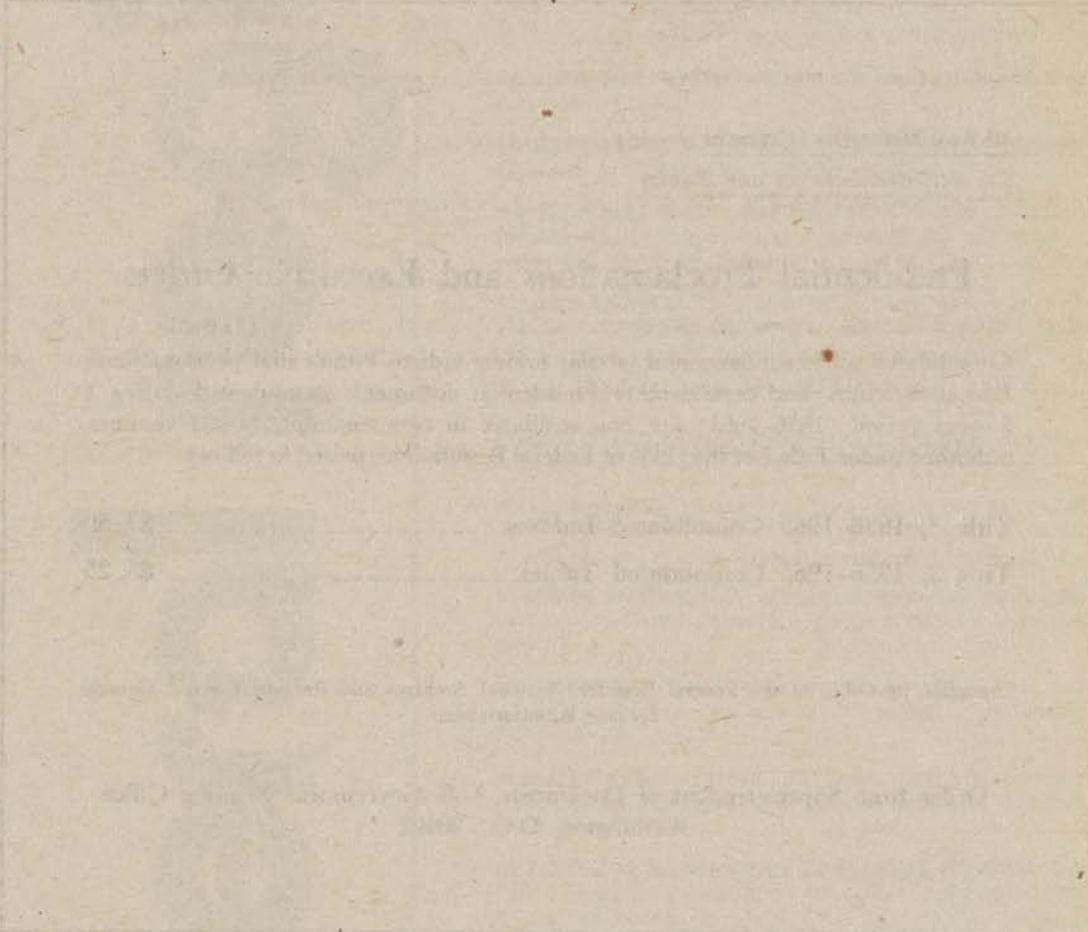
January 01	April 04	July 07	October 10
February 02	May 05	August 08	November 11
March 03	June 06	September 09	December 12

PRODUCT DEFINITIONSReport Item
Numbers

1. Motor gasoline: A mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F, and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.
2. Aviation gasoline: Petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM—specification D-910-70).
3. Naphtha-Type Jet Fuel: Include all naphtha base aviation turbine engine fuels Type B.
4. Kerosene-Type Jet Fuel: Include all kerosene base aviation turbine engine fuels Type A.
5. Kerosene and Range Oil: The lighting or burning grade of kerosene.
6. Distillate Fuel Oil: Includes A.S.T.M.* Grades 1 and 2 and distillate-type diesel fuel oil.
7. Fuel Oil #4: A.S.T.M.* Grade 4 fuel oil.
8. Residual fuel oil: The fuel oils commonly known as: (1) No. 5 and No. 6 fuel oils; (2) Bunker C; (3) Navy Special Fuel Oil; (4) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty-percent boiling point over 700° F, in the ASTM D-86 standard distillation test.
9. Crude Oil Used Directly as a Fuel: Include imported crude oil, not previously processed, which is used without further processing for the generation of heat and power.

*American Society for Testing and Materials.

[FR Doc.74-3497 Filed 2-7-74;4:51 pm]



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