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NOTE: There were no laws signed by the President during the week.

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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 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Motor Vehicle Certification Procedures

On February 26, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER, 38 FR 5183, concerning various proposals to amend the motor vehicle certification procedures contained in 40 CFR 85. Interested persons were given until April 27, 1973, to submit written comments on the proposal, and such comments were received from the Motor Vehicle Manufacturers Association, American Motors, British Leyland, Caterpillar Tractor, Chrysler, Cummins Engine, Fiat, Ford, General Motors, Peugeot, Renault, Toyota, Volkswagen, and Volvo. Numerous changes from the proposal have been made in the final rules as a result of these comments, though their basic structure remains essentially the same.

Explanatory statement. Four major purposes are intended to be served by today's amendments.

1. EPA practice under the Clean Air Amendments of 1970 has been, and will continue to be, to place a major share of the responsibility for certification testing of motor vehicles on the applicant manufacturer. This approach, besides relieving EPA of an administrative burden, benefits the manufacturer by leaving his personnel in control of many aspects of the testing organization. At the same time, the inevitable conflict of interest imposed on the applicant makes stringent monitoring of these tests by EPA personnel advisable to ensure that the Administrator is provided with the accurate test data he must have before deciding that certification is in order.

These regulations codify and extend some aspects of EPA practice in this field by spelling out exactly what records and other documents concerning certification must be retained, and for how long. The procedures by which the right of inspection contained in sections 206 and 208 of the Clean Air Act will be exercised are also specified. Finally, the regulations provide that any failure to maintain or submit required information or to permit required inspections will raise doubts about the reliability of the data affected that may well be serious enough to preclude EPA reliance on it.

2. Unless there is proof that production cars for a model year will closely resemble the vehicles used for certification testing, the fact that prototype cars pass the certification tests is not sufficient evidence that the production models will meet emission standards. Accordingly, these regulations provide that cars which are not in all material respects of the same design as the vehicles actually described in the application, tested (if applicable), and certified will be considered to be uncertified. These regulations also increase the information that must be made available on the processes used in the build-up of prototype vehicles. Specifically, records reflecting the methods and processes employed in the construction of the prototype test vehicles are required to be maintained. The proposed regulations stated that a test vehicle might be rejected if the Administrator found that it was built using a process substantially different from the one to be used in building the corresponding production vehicle. That provision has been deleted from the regulations promulgated today, and will be the subject of future rulemaking. This change was made in order that EPA could consider, in more detail, the questions raised by the automobile industry concerning building processes.

3. In 1972, approximately 11.0 million new cars were sold in this country. About 2.0 million, or 18 percent, were imports. In the last 4 years, the imports' share of the market has never been less than 10 percent.

Without exception, the manufacturers of these imports have located their production and certification testing facilities overseas. Nothing in the Clean Air Act or the regulations under it forbids that choice. However, these regulations make clear that all testing and production facilities, wherever located, are subject to the same recordkeeping and inspection requirements. Since these requirements are necessary to ensure the integrity of the testing process, and the conformity of production cars to the requirements of the certificate, tests which are not subject to them cannot be considered reliable, nor can there be assurance that production facilities not subject to them are producing cars that conform to the certificate. In addition, to fail to apply these requirements to facilities located overseas would discriminate unjustly against domestic manufacturers in favor of their foreign competition.

These amendments will apply even to facilities located in jurisdictions where local law forbids the kind of summary inspections they allow. Though it is well established that American courts will not order a person to disclose documents or other information located in a foreign jurisdiction that forbids such disclosure, the reason behind that rule is to avoid a conflict of laws, and is not applicable here. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to ensure the accuracy of data generated at a facility or the conformity to design requirements of cars produced at it, no informed judgment that a car is certifiable or covered by a certificate can properly be made. It is the responsibility of the manufacturer to locate his testing and production facilities in jurisdictions where this situation will not arise.

4. Finally, the amendments expressly authorize the Administrator (i) to reject an application for a certificate of conformity if the manufacturer who applies for it employs a scheme which, except under certain conditions, renders the emission control system partly or wholly ineffective under conditions reasonably expected to be encountered in normal urban vehicle use, (ii) to withhold, deny, suspend, or revoke a certificate of conformity if the applicant submits false or incomplete certification information, renders inaccurate or invalid the test results by which conformity is to be judged or otherwise circumvents the intent of the Act or denies to an EPA Enforcement Officer access or reasonable assistance in the conduct of authorized inspections, and (iii) to deem void ab initio a certificate issued in reliance on information or data submitted by the manufacturer and known by him to be false, incomplete, inaccurate, or invalid.

Comments received. The comments submitted on notice of proposed rule making fell overwhelmingly into two categories, the first questioning EPA's legal authority to adopt some of the measures proposed, and the second objecting on technical and organization grounds to various details of the proposal. EPA maintains that the measures proposed in February are all within its legal power to adopt, and therefore no significant change has been made in the rules on account of the first category of comments. However, many of the comments in the second category have been found constructive and responsive changes have been incorporated in the rules as promulgated.

I. *Legal authority.* The domestic auto companies, through comments submitted on their behalf by the Motor Vehicle Manufacturers Association, argue that EPA lacks both statutory and constitutional authority to promulgate these inspection rules and to enforce them by

making compliance with them a condition of the certificate of conformity issued under section 206. This position, however, is not supported either by the text of the Clean Air Act, or by the governing cases on the relevant constitutional provisions.

A. *Statutory authority.* The existence of statutory authority for these measures can best be demonstrated by dividing the cases in which an inspection will be authorized into three categories and discussing each one separately. However, the division is somewhat artificial in that points made under one heading will often be applicable to the other two as well.

1. *Inspection of certification records and facilities to help EPA decide whether a certificate should be issued.* Section 203 of the Clean Air Act, 42 U.S.C. 1857f–2, provides that no new automobile may be sold in this country unless it is covered by a certificate of conformity issued by the Administrator of the Environmental Protection Agency. Section 206(a)(1), in turn requires that the Administrator "test, or require to be tested in such manner as he deems appropriate" any new motor vehicle to make sure it conforms to the applicable emissions standards and other regulations implementing section 202 before he may issue a certificate for it.

The question whether the Administrator can conclude with confidence that a test vehicle meets the standards is inseparable from the question whether he can conclude with confidence that the test procedures laid down by EPA for the testing of such vehicles have been rigorously observed. Plainly serious questions would arise as to whether that second conclusion was justified if representatives of the Administrator were denied or restricted in their access to the facilities where certification testing is carried out, or to the records concerning such tests. The regulations promulgated today recognize and spell out the implications of that fact and attempt to ensure that no such doubts about the integrity of the testing process will arise.

In addition to these considerations based on statutory purpose, the text of section 206(a)(1) explicitly authorizes such requirements when it states in the alternative that EPA may either test certification vehicles itself, or may delegate that responsibility to the manufacturers. EPA interprets this statement in the alternative to mean that tests conducted by the manufacturers must be in all respects bearing on their accuracy and integrity the equivalent of tests conducted by EPA. It follows that regulations designed to ensure EPA the same degree of access to these facilities are authorized.

2. *Inspection of certification records and facilities to determine the validity of a certificate already issued.* Ford and General Motors concede that a certificate which has already been issued may be suspended or revoked if EPA's decision to grant it was based on false or incomplete information or on data rendered inaccurate or invalid by the manufacturer. No other answer is possible—if a vehicle was in fact not tested in conformity with the required procedures, the regulatory preconditions for issuing a certificate have simply not been met, even though it may have appeared at one time that they had been. If the manufacturer knowingly misleads the Administrator into reliance on faulty information or data, it is EPA's further opinion that the fraudulent nature of the act serves to invalidate the certificate from the beginning.

Given that EPA has power under the Clean Air Act to grant and revoke a certificate, it follows that Congress must also have intended to confer on the Administrator the authority to make the kind of inspections of records and facilities that are necessary to make the exercise of that power more than a perfunctory practice. In order for the Administrator to determine that the certificate issued was not based on false or incomplete information, he must make inspection of records and facilities of the manufacturer to obtain the facts necessary to form a basis for that determination. If EPA operated the certification facilities itself, it would of course be free to make such inspections, and, as concluded above, Congress intended certification facilities run by manufacturers to be fully as open as those run by EPA.

Though this logic alone would be enough to justify issuance under EPA's general rule-making power of the regulations approved today, there is also a specific statutory locus of such authority. That is section 206(c), which provides in very broad terms for comprehensive EPA inspection of certification testing facilities and records concerning them.

Nowhere in the Act is there an expressed provision for judicial enforcement of the section 206(c) inspection requirements with regard to access to facilities, processes, and controls, although that authority is explicitly granted in each of the other instances where Federal inspections are provided for by the statute. Compare sections 113(b), 114, 203(a)(2), 208 and 307(a); 42 U.S.C. § 1857c–8(b), 1857c–9, 1857f–2(a)(2), 1857h–5(a).

Congress would not have included a right of access under section 206(c) in the Clean Air Act if it had not intended it to be enforceable even against an unwilling manufacturer. It can be argued that the term "provide such information" in section 208 was intended to be interpreted broadly to include all the rights in section 206 including the right of access to facilities, processes, and controls. But even assuming (as EPA believes) that this is the proper interpretation of § 208, we are dealing here with section 206, and it is still true that the lack of any provision for judicial enforcement of that section indicates that Congress did not intend the courts to be the primary avenue for its enforcement.

This in turn suggests that Congress intended that this particular right of inspection be administratively enforced. By far the most logical and legally defensible method of such administrative enforcement is through a term in the certificate itself.[1]

3. *Inspections of production design and assembly facilities.* Certification testing by its nature, can only be carried out on prototype samples of a given model line, and yet the certificate must be read to cover all the production cars of that model which the manufacturer intends to sell. This has been true since certification testing first began under the Motor Vehicle Air Pollution Act of 1965.

A question plainly arises as to the degree of similarity that must exist between a certification and a production vehicle before a conclusion that the latter is covered by the certificate issued to the former will be justified. The statute originally provided that a certificate would only cover vehicles "in all material respects of substantially the same construction" as the vehicle actually tested and certified. Though this language was dropped out of the statute in 1970, the same language has continued to be included in certificates. It is EPA's opinion that in dropping this phrase, Congress did not intend any change in the philosophy of the certification program, but merely meant to confer discretion on the Administrator in choosing the form of language when he issued certificates "upon such terms * * * as he may prescribe." The certificate language is changed by today's regulations to state that production vehicles must conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification before they will be covered.

If EPA has power to include a substantive term in the certificate to define

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[1] A mingled question of statutory interpretation and administrative practicability also supports the notion that inspections under section 206 should be enforced through conditions in the certificate of conformity. Congress clearly intended foreign manufacturers selling cars in this country to be subject to the same certification testing requirements as domestic manufacturers. Inspections are an integral part of these procedures.

However, any attempt to enforce inspection requirements on foreign companies through orders obtained from American courts would face serious obstacles, in addition to those that would accompany any attempt at judicial enforcement of section 206 on the domestic scene. Jurisdiction would have to be obtained either by serving the foreign company directly, or through a subsidiary in this country. Enforcement would be contingent on finding an entity affiliated with the company in this country that could be penalized for non-compliance. Finally, the courts might be reluctant to assert extra-territorial jurisdiction by issuing an order directing a foreign company to take certain action on foreign soil.

By contrast, to condition the certificate of conformity on consent to such inspections would not involve any extraterritorial extension of judicial authority. It would simply set conditions under which goods may be imported into this country, an exercise of the commerce power clearly justified both under the Constitution and under usual concepts of private international law.

the substantive relationship between vehicles described in the application for certification and production vehicles, it follows that it has power to include further, subordinate, procedural terms to ensure that the substantive term is lived up to in practice. Any other conclusion would rob the certification program of regulatory content by reducing it to a means of assuring that a few prototype cars meet the standards without any effective corresponding way of checking on whether millions of production vehicles are in fact designed to the same standard-meeting specifications as the prototype on which they are said to be modeled. Hence, inspections of production design and assembly facilities may be enforced through a term in the certificate.

There is a separate, independent reason why consent to assembly-line visits may be made a term of the certificate. Section 206(c) provides for inspections of assembly plants "for the purpose of conducting tests of vehicles or engines". EPA interprets the word "tests" to include actions taken to determine either directly e.g., by emission tests, or by inference, e.g., by examining the conformity of the vehicle to certified design specification, whether a vehicle is in conformity with the prescribed emissions standards. Action of each type serves the same statutory purpose of determining that production vehicles conform with the regulations with respect to which the certificate of conformity was issued.

In addition, it should be pointed out that section 208(a) of the Clean Air Act, 42 U.S.C. 1857f–6(a), provides comprehensively that:

> Every manufacturer shall establish and maintain records, make such reports, and provide such information as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this part and regulations thereunder and shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to and copy such records.

The regulations approved today define these legal requirements more precisely by specifying exactly what records must be kept, when and in what manner information must be provided and when and in what manner EPA employees may have access to these records and receive this information. Although the primary authority for the regulations providing for inspections of facilities and interviews of employees is section 206, as demonstrated above, it is EPA's position that these requirements are also a proper administrative definition of the scope of a manufacturer's duty to furnish "information" under section 208.

B. *Constitutional validity.* The domestic auto makers object on Constitutional (and other) grounds both to the requirement that EPA Enforcement Officers be allowed to interview their employees and to the conduct by EPA of unannounced, warrantless inspections.

However, if the right to gather information for the purposes outlined above is to have the necessary scope, EPA employees must be able both to obtain access to any such information that has not been reduced to writing, and to have information that is incomplete or confusing supplemented or clarified. These inspections, after all, are not for the purpose of inquiring into work that the auto makers have done on their own for their own purposes, but to examine the efforts they have made to comply with the requirements of a statute that EPA is charged with administering.

The only constitutional requirements that can legitimately be said to bear on this right to ask questions are the Fifth Amendment privilege against self-incrimination and the right to counsel guaranteed by the Sixth Amendment. However, the cases in which these amendments will be a factor cannot be expected to be frequent. The right to "Miranda" warning only attaches when a specific criminal investigation is underway and has "focused" on the individual in question. The only criminal statutes that could be relevant to an inquiry under these regulations are section 113 of the Clean Air Act, which forbids any person to supply false information to EPA, and 18 U.S.C. 1001, which forbids essentially the same thing in more general term. In any event, a corporation has no Fifth Amendment rights against being incriminated by the testimony of its employees.

The Administrative Procedure Act provides that "A person compelled to appear in person before an agency or representative thereof is entitled to be accompanied, represented and advised by counsel." 5 U.S.C. 555(b). The regulations approved today do not compel an employee to appear before an EPA Enforcement Officer until a written request for his appearance signed by EPA's Assistant Administrator for Enforcement and General Counsel has been served on his employer. Accordingly the right to counsel under the APA does not attach until then. The regulations specify that no lawyer who represents an employee being questioned by EPA may represent any other person involved in the investigation. This requirement is patterned on a long-standing SEC regulation, 17 CFR 203.7(b).

The constitutional objections to the warrantless nature of the search requirements promulgated today are similarly without substance.

The law is clear that a government license can be conditioned on consent to warrantless inspections. This was stated in dictum in "See v. Seattle," 387 U.S. 541, 546 (1967) ("[W]e [do not] question such accepted regulatory techniques as licensing programs which require inspections prior to * * * marketing a product") and "Collonade Catering v. United States," 397 U.S. 72, 73 (1970).

In "Wyman v. James," 400 U.S. 309, 317–18, 325–26 (1971), the Supreme Court upheld warrantless visits of welfare workers to the homes of welfare recipients largely on the ground that "the visitation in itself is not forced or compelled, [by criminal penalties] and the denial of permission [for the visit] is not a criminal act. If consent to the visitation is withheld, no visitation takes place. The [welfare] aid then never begins or merely ceases, as the case may be."

If the term "certification" is substituted for the word "aid", the logic of this passage applies exactly to EPA visits to assembly lines. Just as the case worker visits the home to make sure that the preconditions to welfare assistance are still being met so the EPA Inspector visits the assembly line to check on whether the preconditions of coverage by a certificate are present.

In the case of certification facilities, the argument is far stronger, for welfare recipients do not run their homes for the benefit of the welfare agency, while certification facilities have been established for the sole purpose of performing a function which would otherwise be performed by EPA.

Even if the licensing aspect of EPA's motor vehicle emissions control program is disregarded, the extensive pattern of regulation the Clean Air Act contemplates, and the need for summary inspections if the purpose of the statute is to be served, would be enough to justify warrantless searches. Warrantless searches of premises and records under Federal statutes as part of a comprehensive plan for the regulation of an economic enterprise have recently been upheld by the Supreme Court. "Colonnade Catering Corp. v. U.S.", 397 U.S. 72 (1970); "United States v. Biswell", 92 S. Ct. 1593 (1972).

In the latter case, which upheld a statute that required gun dealers to keep comprehensive records and to allow Federal investigators free access both to those records and to their business premises, Justice White said:

> Here, if inspection is to be effective and serve as a credible deterrent, unannounced, even frequent, inspections are essential. In this context, the prerequisite of a warrant could easily frustrate inspection; and if the necessary flexibility as to time, scope and frequency is to be preserved, the protections afforded by a warrant would be negligible. It is also plain that inspections for compliance with the Gun Control Act pose only limited threats to the dealer's justified expectations of privacy. When a dealer chooses to engage in this pervasively regulated business and to accept a federal license, he does so with the knowledge that his business records, firearms, and ammunition will be subject to effective inspection. 92 S. Ct. 1597.

This logic applies exactly to the regulations promulgated today. In many instances, evidence of non-conformity with certification procedures or the terms of the certificate can be quickly and easily concealed. Non-conformity with certification procedures take the form of unauthorized maintenance of which no records are kept, misrecording of test data, failure to follow the prescribed procedures regarding mileage accumulation, malfunction diagnosis by emission testing and the like. Similarly, a production vehicle may not conform with the certificate because the certificate requires produced vehicles to conform to the same

design specifications pertaining to emission-related components and systems as those vehicles described in the application for certification. Slight changes in such design specifications can result in significantly increased emissions and at the same time serve the manufacturers' purpose of improving vehicle driveability.

Many of the comments suggested possible kinds of misunderstandings or other difficulties that might arise from making unannounced inspection visits. These concerns are valid. In many, perhaps most, cases it will be to the mutual advantage of EPA and the auto companies to consult before inspections or interviews, and that will be done. Accordingly the regulations provide for 24 hours prior written or oral notice. But regulations must attempt to provide for every case, not just a category of them, and in some instances it may well be necessary for EPA to make unannounced inspections, and carry out individual interviews, if the requirements of the Act are to be enforced. Unannounced inspections shall be authorized by the Assistant Administrator for Enforcement and General Counsel.

II. *"Defeat devices."* Manufacturers objected to the lack of specific criteria in the definition of "defeat devices" and to its inclusion in the statement of reasons for refusal to issue or revocation of a certificate. They raised the possibility that a certificate would be denied on this ground after certification testing had been completed for reasons that could not have been anticipated.

In response to these comments, the description of "defeat devices" has been expanded by inclusion of two definitions originally continued in MSPC Advisory Circular No. 24 (December 11, 1972). Not only does this language itself provide a more precise definition of what is forbidden, but its inclusion makes relevant the Administrator's orders of December 15, 1972, characterizing certain devices, but not others, as unacceptable to EPA, and the subsequent modification of some of those orders as a result of administrative proceedings. Since these orders and the subsequent proceedings interpreted and applied MSPC Advisory Circular No. 24, they are equally applicable to the interpretation of the same language as set forth in these regulations.

Second, the language concerning "defeat devices" has been removed from the "denial of certification" section, and placed in the sections that specify the contents and acceptability of certification applications. The changed version is a more logical and equitable approach since the question of whether a given modulating device is not permissible is one which can and should be decided before a manufacturer has performed his certification testing.

Because of this shift, section 202 of the Clean Air Act has been added to the cited sections supporting the regulations issued today. While it is true that section 202 standards should be set primarily in terms of a test procedure, no test can cover everything, and it is consistent with the intent of the statute that regulations under that section provide for the maximum practicable reduction in overall auto emissions by mandating that no device, except under certain conditions, be used which has the effect of reducing emissions control performance in circumstances not encountered in the certification test cycle.

The legal effect of this change will be that production vehicles which incorporate any such device that was not described in the application, will not be covered by the certificate.

III. *Detailed suggestions.* A great many of the comments received addressed the record-keeping requirements of the proposed regulations. The regulations approved today have been revised in response to each of the major points made. Specifically:

1. Several manufacturers pointed out that since certification vehicles are constructed by taking vehicles of the current model year off the assembly line and modifying them, it was unrealistic to require that detailed records be kept from the time construction of a certification vehicle was begun. The regulations have accordingly been modified so that record-keeping will begin when the vehicle is selected for modification. The requirement that prototype vehicles be built by the same process as production vehicles has been deleted pending further analysis of the automobile manufacturers' comments concerning build processes. Nevertheless, the requirement to maintain records pertaining to build processes is retained so that additional information concerning the general practice in this area can be obtained.

2. The proposed requirements for description and possible inspection of each part of the vehicle if read literally would have applied to parts that have no conceivable relation to emissions, such as a door lock or a rear window heater. It is EPA's intent that the descriptions should only cover changes, components, and processes that may reasonably be expected to have an effect on emissions, and §§ 85.006(a)(2)(i)(A) and 85.006(c)(3)(i) have been amended accordingly.

3. The requirement that a vehicle history physically accompany the vehicle drew almost universal objection on the ground that the security, completeness, and integrity of the records can be better assured if they are kept by a separate staff at a central place. This argument seems justified, and the regulations have been modified to allow that. In addition, the requirement that the vehicle log be updated daily has been somewhat relaxed, as has the requirement that the names of all persons taking part in an emissions test be listed, and the language requiring a listing of vehicle operation and test results has been somewhat revised.

4. Some manufacturers objected to the requirement that maintenance be justified by a recitation of why the average driver would have chosen to have it performed. The language has been deleted because its purpose was mooted by regulations promulgated at 38 FR 14682 (June 4, 1973) concerning certification vehicle maintenance.

5. Other comments noted that when an EPA enforcement officer in the course of his duties learns trade secrets of a manufacturer, he, and EPA, should keep them secret. This subject is already adequately covered by EPA's Freedom of Information Act regulations set forth at 40 CFR Part 2; there is no need to state explicitly that they will govern here.

The following minor changes and additions have also been made:

1. Chrysler's suggestion that all EPA testing be non-destructive has been accepted.

2. GM suggested that the definition of "emissions tests" in § 85.006(a)(2)(i)(B) should be revised to state explicitly that these are tests of the nature specified by EPA. This has been done.

3. Paragraph (a)(4) of § 85.006 has been reworded as GM suggests to permit the retention of records on microfilm or in computer memories.

4. GM made a suggestion for improving the predictive accuracy of certification test procedures through the use of more sophisticated statistical techniques. This is one of a number of suggestions for statistical refinements in these procedures that EPA has received in recent months. We solicit detailed and comprehensive comments on this subject from interested parties with a view to addressing it in rule-making proceedings at some future date.

5. The final regulations require that all manufacturers seeking certification must submit multiple copies of their application and any amendments thereto in addition to multiple copies of all other notifications and reports required by the regulations as the Administrator may require.

These regulations are issued under authority of the following sections of the Clean Air Act, as amended:

(Sec. 202, 79 Stat. 992, as amended by sec. 6(a), 84 Stat. 1690, 42 U.S.C. 1857f–1; 206 (Sec. 206, 79 Stat. 994, as amended by Section 8(a), 84 Stat. 1694, 42 U.S.C. 1857f–5); 208 (Sec. 207, 79 Stat. 994, 42 U.S.C. 1857f–6); and 301(a) (Sec. 301(a), 81 Stat. 504, as amended by Sec. 15(c), 84 Stat. 1713, 42 U.S.C. 1857g(a).)

They implement sections 202, 206, and 208 of the Clean Air Act.

They shall take effect March 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

Part 85 of 40 CFR Chapter I, is hereby amended as follows:

1. Section 85.002(a) is amended by adding new subparagraphs (28), (29), and (30) reading as follows:

§ 85.002 Definitions.

(a) * * *

(28) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(29) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(30) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

2. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.005 are revised and paragraph (a)(4) is added as follows:

§ 85.005 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.073–3, § 85.074–3 and § 85.075–3 or § 85.073–30, § 85.074–30 and § 85.075–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 85.073–3, 85.074–3 and 85.075–3 or 85.073–30, 85.074–30 and 85.075–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.073–30(c)(5)(i), 85.074–30(c)(5)(i) or 85.075–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.073–3, 85.074–3, and 85.075–3 or 85.073–30, 85.074–30, and 85.075–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

* * * * *

3. Paragraphs (a) and (c) of § 85.006 are revised to read as follows:

§ 85.006 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adquately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system, emission control system components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, weight or any other device or component that can reasonably be expected to influence exhaust or evaporative emissions will be representative of production vehicles and that either all components and/or vehicles construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.075–9 through 85.075–27 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*. That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel, No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

4. Paragraph (b)(1) of § 85.075–2 is revised and paragraph (c) is added as follows:

§ 85.075–2 Application for certification.

* * * * *

(b) * * *

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

* * * * *

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 85.075–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

5. Section 85.075–3 is amended to read as follows:

§ 85.075–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.075–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

6. Paragraph (b)(2) of § 85.075–29 is amended by adding the following after "established by the manufacturer":

§ 85.075–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or

has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

* * * * *

7. Paragraphs (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.075–30 are amended and paragraph (c) is added as follows:

§ 85.075–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the _____ model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.075–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.075–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.075–29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administration's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

8. Paragraph (b)(1) of § 85.074–2 is revised and paragraph (c) is added as follows:

§ 85.074–2 Application for certification.

* * * * *

(b) * * *

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.074–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

9. Section 85.074–3 is amended to read as follows:

§ 85.074–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.074–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

10. Paragraph (b)(2) of § 85.074–29 is amended by adding the following after "established by the manufacturer":

§ 85.074–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of their further information.

* * * * *

11. Paragraphs (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.074–30 are amended and paragraph (c) is added as follows:

§ 85.074–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the _____ model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.074–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.074–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.074–29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of §85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with §85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

12. Paragraphs (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.073–30 are amended and paragraph (c) is added as follows:

§ 85.073–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

2. Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the _____ model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.073–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.073–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.073–29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in paragraph (c)(1)(iii)(C) of this section. or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(i) or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

13. Section 85.102 is amended by adding new paragraphs (a)(21), (22), and (23) reading as follows:

§ 85.102 Definitions.

(a) * * *

(21) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(22) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(23) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedures, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

14. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.105 are revised and paragraph (a)(4) is added as follows:

§ 85.105 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.175–3 or § 85.175–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.175–3 or § 85.175–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.175–30(b)(4)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of a notice issued by the Administrator under § 85.175–3 or § 85.175–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

15. Paragraphs (a) and (c) of § 85.106 are revised to read as follows:

§ 85.106 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and

installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the fuel injection components, fuel system, emission control system components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, weight or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production vehicles and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.175–9 through 85.175–23 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *Provided*, That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents, or design; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the application controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all

times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

16. Paragraph (b)(1) of § 85.175–2 is revised and paragraph (c) is added as follows:

§ 85.175–2 Application for Certification.

* * * * *

(b) * * *

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.175–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

17. Section 85.175–3 is amended to read as follows:

§ 85.175–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.175–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The requests shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.105 with respect to such issue.

18. Paragraph (b)(2) of § 85.175–29 is amended my adding the following after "established by the manufacturer":

§ 85.175–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided,* that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

19. Paragraphs (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.175–30 are amended and paragraph (c) is added as follows:

§ 85.175–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.106(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.102(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.106(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.106(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.175–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.175–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.175–29, data or information derived from any inspection carried out under § 85.106(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.106(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build-up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports and histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.106(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.106(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.105 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.105. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

20. Section 85.202(a) is amended by adding new subparagraphs (26), (27) and (28) reading as follows:

§ 85.202 Definitions.

(a) * * *

(26) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(27) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(28) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

21. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.205 are revised and paragraph (a)(4) is added as follows:

§ 85.205 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.275–3 or § 85.275–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.275–3 or § 85.275–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.275–30(b)(4)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.275–3 or 85.275–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

22. Paragraphs (a) and (c) of § 85.206 are revised to read as follows:

§ 85.206 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected, and the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system, emission control system components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, weight or any other device or component that can reasonably be expected to influence exhaust or evaporative emissions will be representative of production vehicles and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.275–9 through 85.275–27 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The data and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(D) If used, the record of any devices employed to record the speed and/or

mileage in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or services, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (G)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*, That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than thoes covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

23. Paragraph (b)(1) of § 85.275-2 is revised and paragraph (c) is added as follows:

§ 85.275–2 Application for Certification.

* * * * *

(b) * * *

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.275-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

24. Section 85.275–3 is amended to read as follows:

§ 85.275–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.275–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturers's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.205 with respect to such issue.

25. Paragraph (b)(2) of § 85.275–29 is amended by adding the following after "established by the manufacturer":

§ 85.275–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided,* that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

26. Paragraph (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.275–30 are amended and paragraph (c) is added as follows:

§ 86.275–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.206(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the —— model year production period of the said manufacturer, as defined in 40 CFR 85.202(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.206(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.206(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.275–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.275–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.275–29, data or information derived from any inspection carried out under § 85.206(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.206(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in paragraph (c)(1)(iii)(C) of this section, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.206(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.206(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.205 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification

he reviewed in a hearing conducted in accordance with § 85.205. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

27. Section 85.702(a) is amended by adding new subparagraphs (20), (21), and (22) reading as follows:

§ 85.702 Definitions.

(a) * * *

(20) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(21) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system.

(22) "Defeat Device" means and AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

28. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.705 are revised and paragraph (a)(4) is added as follows:

§ 85.705 Hearings on certification.

(a)(1) After granting a request for a hearing under §§ 85.773–3 and 85.774–3 or 85.773–30 and 85.774–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 85.773–3 and 85.774–3 or 85.773–30 and 85.774–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.773–30(c)(5)(i) and 85.774–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.773–3 and 85.774–3 or §§ 85.773–30 and 85.774–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

29. Paragraph (a) (and (c) of § 85.706 are revised to read as follows:

§ 85.706 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for the carburetor, distributor, and fuel system, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.774–9 through 85.774–18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer,

provided, That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or buildup of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service, accumulation, production or compilation of records, or any other procedure or activity relating to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

30. Paragraph (b)(1) of § 85.774–2(b) is revised and paragraph (c) is added as follows:

§ 85.774–2 Application for certification.

* * * * *

(b) * * *

(i) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§85.774–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

31. Section 85.774–3 is amended to read as follows:

§ 85.774–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.774–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting, data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

32. Paragraph (b)(2) of § 85.774–29 (b) is amended by adding the following after "established by the manufacturer":

§ 85.774–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * * *And further provided,* That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

* * * * *

33. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.774–30 are amended and paragraph (c) is added as follows:

§ 85.774–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate coveres only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.774–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.774–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.774–29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

34. Paragraph (a)(1) and (a)(2) and the first sentence of subparagraph (b)(3) of § 85.773–30 are amended and paragraph (c) is added as follows:

§ 85.773–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.773–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.773–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manu-

facturer, data derived from any additional testing conducted pursuant to § 85.773–29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

35. Paragraph (a) of § 85.802 is amended by adding new subparagraphs (25), (26), and (27) reading as follows:

§ 85.802 Definitions.

(a) * * *

(25) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(26) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(27) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

36. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.805 are revised and paragraph (a)(4) is added as follows:

§ 85.805 Hearings on certification.

(a)(1) After granting a request for a hearing under §§ 85.873–3 and 85.874–3 or 85.873–30 and 85.874–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing have not been fixed by the Administrator under §§ 85.873–3 and 85.874–3 or 85.873–30 and 85.874–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.873–30(c)(5)(i) and 85.874–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.873–3 and 85.874–3 or 85.873–30 and 85.874–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

37. Paragraphs (a) and (c) of § 85.806 are revised to read as follows:

§ 85.806 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically

the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for fuel injection components, fuel system components and smoke exhaust emission control components shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, smoke exhaust emission control components, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.874–9 through 85.874–18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of hours accumulated on the engine when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*, That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components describe in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the

production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advised an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

38. Paragraph (b)(1) of § 85.874–2 is revised and paragraph (c) is added as follows:

§ 85.874–2 Application for certification.

* * * * *

(b) * * *

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.874–32, 33, and 34 shall be submitted in such multiple copies as the Administratory may require.

39. Section 85.874–3 is amended to read as follows:

§ 85.874–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.874–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccurancy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

40. Paragraph (b)(2) of § 85.874–29(b) is amended by adding the following after "established by the manufacturer":

§ 85.874–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided*, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

* * * * *

41. Paragraph (a)(1) and (a)(2) and the first sentence of subparagraph (b)(3) of § 85.874–30 are amended and paragraph (c) is added as follows:

§ 85.874–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.802(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.874–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.874–30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.874–29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.806(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and

such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof,

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.804. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

42. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.873-30 are amended and paragraph (c) is added as follows:

§ 85.873-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.802(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(C) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.873-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.873-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.873-29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.806(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof,

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.805. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

43. Section 85.902(a) is amended by adding new subparagraphs (25), (26), and (27) reading as follows:

§ 85.902 Definitions.

(a) * * *

(25) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(26) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vaccum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(27) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

44. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.905 are revised and paragraph (a)(4) is added as follows:

§ 85.905 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.974–3 or § 85.974–30, the Administrator will designate a Presiding Officer for the hearing.

* * * * *

(3) If a time and place for the hearing has not been fixed by the Administrator under § 85.974–3 or § 85.974–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.974–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.974–3 or § 85.974–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

45. Paragraph (a) and (c) of § 85.906 are revised to read as follows:

§ 85.906 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph.

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for the fuel injection components, fuel system components, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.974–9 through 85.974–18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*, That in every case all the information contained in the hard copy shall be retained.

* * * * *

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and

testing facilities, including, but not limited to, monitoring engine preconditioning, emmission tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Office of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate serve accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

46. Paragraph (b)(1) of § 85.974–2 is revised and paragraph (c) is added as follows:

§ 85.974–2 Application for certification.

* * * * *

(b) * * *

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

* * * * *

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.974–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

47. Section 85.974–3 is amended to read as follows:

§ 85.974–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.974–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.905 with respect to such issue.

41. Paragraph (b)(2) of § 85.974–29(b) is amended by adding the following after "established by the manufacturer":

§ 85.974–29 Testing by the Administrator.

* * * * *

(b) * * *

(2) * * *: *And further provided,* that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

* * * * *

49. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.974–30 are amended and paragraph (c) is added as follows:

§ 85.974–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.906(c), and any other pertinent data or information,

the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.902(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.906(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.906(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.974-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.974-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.974-29, data or information derived from any inspection carried out under § 85.906(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do no meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

* * * * *

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.906(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or buildup into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.906(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fradulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii) or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.906(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.905 hereof,

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.905. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

[FR Doc.74-4387 Filed 2-26-74;8:45 am]

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

Carboxin

A petition (PP 3F1318) was filed by Uniroyal Chemical, Bethany, CT 10625, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl - 1,4-oxathiin - 3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide - 2 - methyl - 1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities forages of barley, oats, and wheat at 0.5 part per million; grain and straw or barley and oats, corn fodder and forage, and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.2 part per million.

Subsequently the petitioner amended the petition by proposing tolerances for residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry at 0.1 part per million; and eggs and milk at 0.01 part per million.

Based on consideration given the data submitted in the petition and other relevant material it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, and poultry and § 180.6(a)(1) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.301 is revised to read as follows:

§ 180.301 Carboxin; tolerance for residues.

Tolerances are established for combined residues of the fungicide carboxin (5,6 - dihydro - 2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro - 3-carboxanilide-2-methyl-1,4-oxathiin - 4 - oxide (calculated as carboxin) (from treatment of seed prior to planting) in or on raw agricultural commodities as follows:

0.5 part per million in or on forages of barley, oats, and wheat.

0.2 part per million (negligible residue) in or on cottonseed.

0.2 part per million in or on barley grain and straw, corn fodder and forage, fresh corn including sweet corn (kernels plus cob with husk removed), oats seed and straw, and wheat grain and straw.

0.1 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.01 part per million in eggs.
0.01 part per million in milk.

Any person who will be adversely affected by the foregoing order may at any time on or before March 29, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 27, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 22, 1974.

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

[FR Doc.74-4621 Filed 2-26-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that positions as members of the Alaska Native Claims Ad Hoc Appeals Board are excepted under Schedule A.

Effective February 27, 1974, § 213.3199 (q) is added as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(q) *Alaska Native Claims Ad Hoc Appeals Board.*

(1) Members of this Board.

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

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

[FR Doc.74-4605 Filed 2-26-74;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that until October 15, 1976, four Legal Research Assistant positions on the staff of the Micronesian Claims Commission are excepted under Schedule A.

Effective February 27, 1974, § 213.3199 (p) is added as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(p) *Micronesian Claims Commission*

(1) Until October 15, 1976, 4 Legal Research Assistant positions on the staff of the Commission.

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

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

[FR Doc.74-4608 Filed 2-26-74;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Deputy Under Secretary on Congressional Relations is excepted under Schedule C.

Effective February 27, 1974, § 213.3305 (a)(51) is added as set out below.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(51) One Special Assistant to the Deputy Under Secretary on Congressional Relations.

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

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

[FR Doc.74-4606 Filed 2-26-74;8:45 am]

PART 213—EXCEPTED SERVICE

Interior Department

Section 213.3312 is amended to show that one position of Confidential Assistant to the Assistant to the Secretary and Director of Communications is excepted under Schedule C.

Effective February 27, 1974, § 213.3312 (a)(13) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.*

* * * * *

(13) One Confidential Assistant to the Assistant to the Secretary and Director of Communications.

* * * * *

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

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

[FR Doc.74-4607 Filed 2-26-74;8:45 am]

PART 213—EXCEPTED SERVICE

Housing and Urban Development Department

Section 213.3384 is amended to show that one position of Confidential Secretary to the Administrator, New Communities Administration, is excepted under Schedule C.

Effective February 27, 1974 § 213.3384 (k) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(k) *Office of New Communities Administration.*

(1) Confidential Secretary to the Administrator.

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

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

[FR Doc.74-4609 Filed 2-26-74;8:45 am]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.5]

PART 1832—EMERGENCY LOANS

Subpart E—Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93–237

Subchapter C, Loans Primarily for Production Purposes, of 7 CFR Chapter XVIII, is amended by adding to Part 1832 a new Subpart E, Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93–237. New subpart E supplements and modifies Subparts A and B of this part; provides for making and processing Emergency (EM) loans; and provides for processing additional benefits for certain indebted and paid-up EM loan borrowers under the provisions of Public Law 93–237 signed by the President on January 2, 1974.

In accordance with 5 U.S.C. 553, this new subpart is being published without notice of proposed rulemaking, effective immediately, since it implements the provisions of Public Law 93–237, and because a delay in implementing the provisions of the public law by this regulation would be contrary to the public interest.

The new subpart E reads as follows:

Subpart E—Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93–237

Sec.
1832.81 General.
1832.82 Receiving applications and verifying losses.

Sec.
1832.83 Emergency loans at 1 percent interest with forgiveness benefits.
1832.84 Additional benefits for certain indebted and paid-up Emergency loan borrowers.
1832.85 Emergency loans at 5 percent interest with no forgiveness benefits.
1832.86 Loan purposes.
1832.87 Loan limitations.
1832.88 Payment terms.
1832.89 Security requirements.
1832.90 Subsequent loans.
1832.91 Relationship with other types of FHA loans.
1832.92 Handling new designations.

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

§ 1832.81 General.

The basic objective of EM loans is to indemnify eligible farmers, ranchers, and oyster planters for losses resulting from designated disasters in order that they may continue their future farming or livestock operations with credit from other sources (including FHA Operating and Farm Ownership loans). In accordance with this objective, EM loans will be limited to the actual loss sustained, except for subsequent EM loans authorized by § 1832.90(b).

§ 1832.82 Receiving applications and verifying losses.

(a) State Directors will be advised by telegram of counties where EM loans are authorized under §§ 1832.83 and 1832.85. In all counties designated on or before January 2, 1974, based on disasters occurring after December 26, 1972, the termination date for acceptance of applications based on both physical and production losses will be April 2, 1974, except where termination dates previously established would be shortened. Where this situation will occur, the termination date that was previously set beyond April 2, 1974, will be used. Termination dates for any new counties that might be designated after January 2, 1974, will follow the current policy (60 days for physical losses and 9 months for production losses). State Directors will issue an instruction setting forth this information for use in their respective states. State Directors and County Supervisors will inform the news media including newspapers, radio, and television in the affected counties of the provisions of P.L. 93-237.

(b) Applications for EM loans will be received in authorized EM loan counties as provided for in this subpart, and as outlined in subpart A of Part 1801 of this chapter. Form FHA 410-1, "Application for FHA Services," will be used for this purpose.

(1) An applicant operating farms in different counties will be considered for only one EM loan covering all farms rather than a separate loan in connection with each farm. His production losses in authorized EM loan counties must constitute the minimum amount required for his entire farming operation as set forth in § 1832.5(c)(1) in order to be qualifying.

(2) The fact that an EM loan is made to a corporation, partnership, or to individuals doing business as partners, in connection with farming operations being conducted by such entities, does not disqualify the individual stockholder or member from obtaining a separate EM loan to cover his losses in a separate farming operation at a different location which he is conducting as an individual.

(3) Individual members of a partnership, or individuals doing business as partners, will not receive indivdual loans to finance their interest in the joint or partnership farming operation. The partnership or joint venture will be considered for one loan to cover the loss in the farming operation being conducted jointly or as a partnership.

(c) The applicant's statement of loss or damage will be obtained in support of his application on Form FHA 441-22, "Certification of Disaster Losses." Separate statements will be obtained in connection with applications received under paragraph (b)(2) of this section.

(d) Form FHA 441-26, "County Supervisor's Calculations and Verification of Qualifying Production Losses," will be completed by the County Supervisor in accordance with § 1832.5(c)(1) to determine if production losses shown on Form FHA 441-22 by an applicant are qualifying. Where such losses cannot be fully documented and verified on the face of this form, additional explanations and calculations should be shown on the reverse side to clearly reflect the pertinent situation. This information will be made available to the County Committee for their consideration in certifying to an applicant's loan eligibility. Where a difference of opinion exists between a County Supervisor or the County Committee and an applicant about whether losses are qualifying, the County Supervisor may request the applicant to furnish the same additional supporting information as required to verify losses under § 1832.84(f)(3)(iv).

(e) Losses of a physical nature will be shown by the applicant on Form FHA 441-22 in terms of what it will or has cost to repair, replace or restore the lost or damaged property. The amount of loan made for this purpose will not exceed the amount of repair, replacement, or restoration cost as determined in accordance with paragraph (e)(1), (2), or (3) of this section. Farm real estate and building damage will be verified by an "on sight" inspection of the property by the County Supervisor.

(1) For farm machinery, the current market value at the time of the disaster of the asset damaged or destroyed must be considered in determining actual loss. If the property has appreciated in value since its original purchase, the cost of replacing the same property in kind may be considered as part of the actual loss. However, this does not permit, for example, making a loan to replace an aged item of machinery having a current market value of $500 with a new item costing $5,000, even though the applicant might have a need for a new more expensive, possibly larger item. Instead, his EM loan for such purpose will be limited to $500. Any additional funds required above the amount of EM loan for this purpose must be obtained from other sources including OL loans.

(2) For farm dwellings, the amount of EM loan will be limited to that which would permit the restored or replaced dwelling to comply with necessary local codes and be adequate, decent, and suitable to the family's needs. Section 1832.87(e) sets forth additional limitations.

(3) For farm service buildings and for farm real estate other than buildings, the amount of EM loan will be limited to an amount sufficient to permit the repair or replacement of the damaged property with a building or property of like quality.

(4) The amount of forgiveness on any loan for farm machinery, building or real estate restoration as authorized by §1832.83 will be limited to the actual cost to repair or replace such item(s), or the market value at the time of the disaster, whichever is the lesser. The County Supervisor may consult with the County Committee in making a determination of the market value at the time of disaster, and such determination will be documented in the running record of the applicant's county case file.

(f) Where an applicant's farming operation is affected by disasters occurring before and after April 20, 1973, and a qualifying production loss is sustained from disasters occurring during both periods, the applicant may receive a loan under the provisions of § 1832.83 if it is determined that qualifying losses were sustained from a disaster beginning prior to April 20. The amount of forgiveness under these circumstances will not exceed the actual dollar loss attributable to that part of the disaster which occurred after December 26, 1972, but prior to April 20, 1973; and in no event will exceed the $5,000 maximum.

(g) The amount of any benefits received from the Agricultural Stabilization and Conservation Service (ASCS) disaster type programs including the livestock feed program will be considered as compensation for losses.

(h) An applicant must show an intent to continue farming or ranching in order to qualify for an EM loan with or without a forgiveness benefit. Those applicants who may have stopped temporarily, because of disaster loss or damage to their operations, but show an intent to continue with EM loan assistance will be considered to meet this requirement.

§ 1832.83 Emergency loans at 1 percent interest with forgiveness benefits.

(a) In all counties in which EM loans have been authorized because of a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director (all of which are hereinafter referred to as "disaster(s)"), where the disaster(s) occurred after December 26, 1972, but prior to April 20, 1973, the following will apply:

(1) The interest rate will be 1 percent.

(2) The principal of each EM loan will be canceled to the extent of the loss, damage, or injury resulting from the disaster not compensated for by insurance or otherwise in an amount not to exceed $5,000.

(3) Applicants will not be required to prove that they are unable to obtain their credit needs elsewhere as a test for eligibility.

(b) An applicant having qualifying losses may receive a separate principal cancellation in connection with each EM loan he might receive as a result of disaster losses occurring after December 26, 1972, but prior to April 20, 1973. However, the total amount authorized to be canceled for the same borrower either by the Small Business Administration and/or the Farmers Home Administration will not exceed $5,000 for a single disaster.

(c) Where an Emergency loan is made to a "partnership" or to "individuals doing business as partners," only one principal cancellation not exceeding $5,000 will be processed in connection with that loan and the cancellation must be based on qualifying loss or damage to the partnership farming operation. However, this does not prohibit an individual member of such an entity from obtaining a separate Emergency loan principal cancellation in connection with a separate farming operation at a different location that he might be conducting as an "individual."

(1) The following sources should be used as a means of determining whether applicants quality for Emergency loans as "partnerships" or as "individuals doing business as partners."

(i) Prior written agreements that set forth the farming arrangement and ownership of property.

(ii) County Agricultural Stabilization and Conservation Service (ASCS) office records.

(iii) Local bank and Production Credit Association (PCA) records.

(iv) Invoices and receipts reflecting purchase of farm supplies, livestock, and machinery.

(v) Records or receipts from sale of farm produced products or commodities.

(vi) Written farm rental agreements.

(vii) Income tax returns.

(viii) Financial statements.

(d) *Loan docket preparation.* (1) When the entire loan will be canceled, an applicant investigation as required in subpart A of Part 1801 of this chapter will not be necessary, and only the following will be processed:

(i) Form FHA 410–1, "Application for FHA Services." [1]

(ii) Form FHA 440–2, "County Committee Certification of Recommendation."

(iii) Form FHA 441–22, "Certification of Disaster Losses."

(iv) Form FHA 441–26, "County Supervisor's Calculations and Verification of Production Losses." [2]

(v) Form FHA 440–1, "Payment Authorization." [2]

(vi) Form FHA 440–44, "Application for Principal Cancellation—Emergency Loans."

(vii) Form FHA 431–2, "Farm and Home Plan." [4]

(viii) Form FHA 402–1, "Deposit Agreement." [2]

(ix) Form FHA 424–1, "Development Plan," (including any plans, specifications, and cost estimates). [2]

(x) Form FHA 402–2, "Statement of Deposits and Withdrawals." [2]

NOTE: The following forms require certifications by the loan applicant as indicated:

Form FHA 441–22:

Applicant Certification: It is understood that the information shown herein and on attached sheets will be used to determine my Emergency loan eligibility, and I certify under penalties provided by law, including any civil and criminal fraud penalties that such information is true, correct and complete to the best of my knowledge and belief.

---------- ----------
Date Signature of Applicant

Form FHA 440–44:

Based on the information contained in Form FHA 441–22, "Certification of Disaster Losses," which I executed on ----------, 19--, I apply for a principal cancellation in the amount of $ -------- in connection with the loan being made or already made as a result of loss caused by a disaster occurring after December 26, 1972, and prior to April 20, 1973. I understand that the law prohibits cancellation of more than $5,000 for any borrower as a result of any loss from the same disaster. I hereby certify that the cancellation applied for herein, when added to any other loan cancellation benefits received by me in connection with the specified disaster from any other agency of the United States, does not exceed $5,000.

Farmers Home Administration:

Emergency Loan $----------
Small Business Administration Loan $ ----------

If this application is in connection with an FHA loan(s) already made, the loan number(s) involved is ----------

---------- ----------
Date Signature of Applicant

(e) *Loan docket preparation when balance after forgiveness is not more than $2,500.* When the EM loan balance after principal cancellation will not be more than $2,500, Tables A, B, C, D, and E of Form FHA 431–2, "Farm and Home Plan," may be left blank provided Form FHA 410–1, "Application for FHA Services," is completed and is believed to accurately reflect the applicant's circumstances.

(f) *Supervised bank accounts.* EM loan funds will be handled as provided for in Part 1803 of this chapter even though the entire loan is canceled. When a loan is made to reimburse an applicant for expenditures he has already made, the loan check may be turned over directly to him after such prior expenditures have been reasonably verified by the County Supervisor and he documents this verification in the borrower's county case file.

(g) *Principal cancellations will be processed as follows.*—(1) *Certification of losses.* Each EM loan applicant will be informed about the benefits authorized by P.L. 93–237 and given an opportunity to file a Form FHA 441–22, "Certification of Disaster Losses."

(2) *Application for principal cancellation.* If the supporting information submitted on Form FHA 441–22 by an applicant for an EM loan shows that he has qualifying losses, he will be given an opportunity to apply for a principal cancellation on Form FHA 440–44, "Application for Principal Cancellation." Form FHA 440–44 will be prepared in an original and two copies.

(3) *Approval authorization.* Subject to the foregoing requirements of this section, FHA loan approval officials are authorized to approve principal cancellations without further recommendation by the County Committee in connection with the approval of EM loans being made within their respective approval authorizations. The original Form FHA 440–44 and one copy will be submitted to the Finance Office with the promissory note, when the loan is larger than the cancellation. (See § 1832.32(h)(4) for preparation of the promissory note where cancellations are involved.) If the entire loan is to be canceled, the original and one copy of Form FHA 440–44 will be submitted to the Finance Office with Form FHA 440–1, "Payment Authorization."

(4) *Finance Office action.* Upon receipt of the original and one copy of Form FHA 440–44, approving a principal cancellation, the Finance Office will immediately apply the approved amount of the principal cancellation, as of the date of the promissory note, to the earliest installment(s) having the shortest maturity. The Finance Office will indicate the action taken in the appropriate space of the copy of Form FHA 440–44 and return it to the County Office.

(5) *Conforming County Office records and informing borrower.* When a processed copy of Form FHA 440–44 is received from the Finance Office, the County Office will conform the copy maintained in the County Office file and credit the borrower's EM loan account with the approved principal cancellation on the appropriate Form FHA 405–1, "Management System Card—Individual," as described in appropriate FHA regulations, and the processed copy of Form FHA 440–44 will be delivered to the borrower.

§ 1832.84 Additional benefits for certain indebted and paid-up Emergency loan borrowers.

(a) *General.* As authorized by Public Law 93–237, effective January 2, 1974,

[1] Complete only items 1 through 12 and items 22 and 23 of Form FHA 410–1. The first sentence in item 23 will be deleted and will be initiated by the applicant.

[2] When applicable.

[3] The first sentence of the applicant's certification will be deleted and initialed by the applicant.

[4] Complete only tables F, G, H, and I.

this section provides the policies and procedures for extending additional benefits to eligible Farmers Home Administration (FHA) borrowers who received EM loans because of qualifying losses caused by a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director; where the disaster(s) occurred after December 26, 1972, but prior to April 20, 1973. The County Supervisor will furnish the Finance Office with information for each active and paid-up EM loan that qualified for such benefits. The Finance Office will process principal cancellations and refunds and adjust interest to a reduced rate of 1 percent. These additional benefits are available in the same counties in which EM loans are authorized to be made under § 1832.83. Applications from EM borrowers for such additional benefits must be submitted by close of business April 2, 1974.

(1) The benefit are:

(i) *Reduced rate of interest.* The Finance Office will:

(A) Adjust the interest rate to 1 percent as of the date of the promissory note.

(B) Recalculate interest payments, in applicable situations, received from a borrower prior to adjustment under this subpart at the reduced interest rate of 1 percent, and deduct the difference from the principal balance outstanding or refund it to the borrower if he has paid in full.

(ii) *Principal cancellation or refund on current loans.* In processing the principal cancellation or refund, the Finance Office will:

(A) Consider EM loans already made as a result of qualifying losses caused by a disaster occurring after December 26, 1972, but prior to April 20, 1973, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise up to the first $5,000 of the principal amount of the loan. Cancellations are to apply as of the date of the promissory note.

(B) Refunds of principal on paid loans. Make refunds of principal where applicable when EM loans have been paid in full.

(2) The Finance Office will not change the repayment period set forth in the promissory note because of adjustments in a loan account.

(b) *Counties where benefits are to be made available.* To assist in determining where retroactive provisons are applicable, the National Office will furnish information by telegram of counties in those states involved in the processing of retroactive benefits. State Directors will issue an instruction setting forth this information for use in their respective states.

(c) *Policy guides.* Observe the following guides in connection with each application for benefits under this section.

(1) An applicant having qualifying losses may receive a separate principal cancellation or refund in connection with each EM loan he received as the result of disaster losses occurring after December 26, 1972, but prior to April 20, 1973. However, the total amount of principal cancellation authorized for the same borrower by the Small Business Administration and/or Farmers Home Administration will not exceed the total amount of $5,000 for a single disaster.

(2) Make principal refunds, cancellations, and combinations of refunds and cancellations only in connection with EM loans made to enable borrowers to continue their damaged farming operations for periods not to exceed one full crop year; or repair, rehabilitate or replace damaged or destroyed property. However, where partial EM loan financing was necessary due to a disaster occurring late in a crop year, the amount of such partial EM loan plus the EM loan made to finance the operations for the ensuing crop year, will be used as the amount of the loan in qualifying for the maximum cancellation in an amount not to exceed $5,000, and in no case to exceed the actual loss.

(3) When an EM loan is based on one or more disasters included in the same designation, the borrower will receive only one cancellation in connection with that loan. Also, if a subsequent disaster caused additional losses during that loan year, the borrower will not receive an additional cancellation on his loan to compensate him for the additional loss, unless the county was designated because of the subsequent disaster, after December 26, 1972, but prior to April 20, 1973; and the borrower received another loan because of his additional loss. Under these conditions he would be eligible to receive an additional cancellation up to $5,000 in connection with the new loan, but not in an amount in excess of his actual losses resulting from the subsequent disaster.

(d) *Preparing lists of borrowers.* Each County Supervisor whose county appears in the State Instruction provided for in paragraph (b) of this section will prepare a list of indebted and paid-up borrowers who received EM loans as a result of the disasters in his county.

(e) *Notifying borrowers on list.* The County Supervisor will mail a letter described in appropriate FHA regulations to borrowers on the list advising them to come to the FHA County Office and complete a new Form FHA 441–22, "Certification of Disaster Losses." The County Supervisor will review the information shown by the applicant on this form, and if the applicant shows production losses he will then complete Form FHA 441—26, "County Supervisor's Calculations and Verification of Qualifying Production Losses," to determine if the applicant's losses qualify him for a principal cancellation or refund, and if so, the amount he is eligible to receive. For borrowers who have not responded to the first mailing within 20 days, the County Supervisor will send a second and final letter by certified or registered mail—return receipt requested. Such proof of delivery will constitute proper notification about EM loan additional benefits. A copy of each letter and the returned receipt will be retained in the borrower's county case file.

(f) *County Office processing.* (1) The County Supervisor will use Form FHA 440–20, "Additional Benefits Due EM and RHD Borrowers Under Public Law 92–385," with appropriate modification to document the necessary information for each borrower shown on the list. He will complete Form FHA 440–20 and forward these completed forms to the Finance Office at the end of each working day. When a borrower is eligible to receive more than one cancellation or refund benefit on loans based on separate disasters, the County Supervisor will complete a separate Form FHA 440–20 reflecting all loans for each separate disaster. These forms are available in the Finance Office and needed supplies should be requested.

(2) Complete Form FHA 440–20 for each borrower from information available in the County Office Management System and from losses reported on Form FHA 441–22 and verified by the County Supervisor on Form FHA 441–26. Do this as soon as possible after a completed Form FHA 441–22 is received from a borrower and the amount of any benefits he is eligible to receive is determined. Forward the original Form FHA 440–20 to the Finance Office and retain a copy in the borrower's County Office case file.

(3) Certification of losses. Each EM loan borrower either active or paid in full, must have on file in the County Office case file, a duly executed Form FHA 441–22, and Form FHA 441–26, where production losses are claimed.

(i) Borrowers will be required to file Form FHA 441–22 in order to determine their retroactive benefits. The old Form FHA 441–22, "Statement of Production Losses and Certification," which was obtained previously may be accepted and used to complete the new Form FHA 441–22, "Certification of Disaster Losses." No upward revisions of losses on Form FHA 441–22, already on file, will be permitted.

(ii) County Supervisors must verify any claimed losses which appear to be excessive by checking ASCS records concerning the borrower's farm, or by other appropriate means.

(iii) Production losses listed on Form FHA 441–22 when transferred to dollar losses on Form FHA 441–26 will need verification in accordance with paragraph (f) (3) (iv) of this section only if a difference of opinion exists between the County Supervisor and a borrower.

(iv) If additional supporting information is required to verify the borrower's stated losses in order to qualify him for retroactive benefits, it will be in the form of one or more of the following:

(A) A written statement from the County Agricultural Stabilization and Conservation Service Office showing his production record for the year of the disaster and also for each of the two previous years.

(B) Signed statements from three neighbors describing in detail the property damage and crop or livestock losses which made the EM loan necessary.

(C) Signed statements from professional bookkeepers and accountants who are familiar with the borrower's operations supported by their records.

(D) Computer records from farm financial management systems.

(v) Conversion to dollar amounts shall be accomplished by using the prevailing market price in effect at the time of the disaster as evidenced by state crop reporting service reports. The same unit price for each crop or commodity will be used for both the disaster year and the most recent normal year. A list will be prepared by the State Director and distributed to affected County Supervisors indicating the prices to be used.

(vi) Prepare separate Forms FHA 441–22 and 441–26 for each disaster loss where borrowers are eligible to receive benefits in connection with loans based on more than one disaster.

(vii) After the County Supervisor determines the amount of cancellation due a borrower, he will prepare Form FHA 440–44 in an original only, and have the borrower sign the form. If the borrower has received a cancellation from the Small Business Administration for the same disaster, the amount of such cancellation will be subtracted from the amount of cancellation he is to receive from FHA. The loan approval official will then approve the Form FHA 440–44, if the borrower is entitled to additional benefits, and retain the form in the borrower's County Office file.

(4) Approval authorization. The FHA County Supervisor is authorized to approve these retroactive benefits for eligible borrowers without further recommendation by the County Committee, regardless of the level of the loan approval official who approved the loan(s). To do this he will sign Form FHA 440–20 and Form FHA 440–44.

(g) *Finance Office action.* (1) The Finance Office will first process principal cancellations as of the date of the promissory note. It will then apply the amount cancelled first to any installment due through January 1, 1974, and second to the final note installment. It will adjust the interest rate on any unpaid balance, after cancellation, and reapply payments received after the date of the note at the reduced interest rate; make any required refunds; and notify the County Supervisor of the actions taken on each loan account by Form FHA 451–31, "Borrower Transaction Record." The Finance Office will do this using information provided by the County Supervisors on Form FHA 440–20 for each active and paid-up EM loan that qualifies for such benefits. However, the maturities as scheduled in the promissory note will not be changed.

(2) Conforming County Office records and informing borrower. The Finance Office will provide the County Office and the borrower with Forms FHA 451–31 showing its action and the status of each borrower's account after the additional benefits have been applied. If a refund check is involved, it will be sent to the County Office at the same time as the Forms FHA 451–31. The County Supervisor will use this information to conform County Office records. When a refund check is received in the County Office from the Finance Office, it will be delivered to the borrower. If a refund check cannot be delivered to a borrower within 30 days, the County Supervisor will return the check to the Finance Office. However, he will make a diligent effort to locate the borrower during the 30-day period before returning the check and he will document his efforts in the County Office file.

(3) Amount of refund. If a refund is due after the application of the additional benefits, the Finance Office will perform the following operations, in the same sequence shown, before the refund check is issued:

(i) Apply refund to the unpaid interest and principal of any other EM loan(s) made as the result of the same disaster, and shown on Form FHA 440–20.

(ii) Finance Office will not apply any refund to another loan unless that loan pertains to the same disaster and is shown on Form FHA 440–20. This includes a borrower receiving additional benefits from more than one disaster and/or a borrower having unpaid Operating, Farm Ownership, or Rural Housing loans.

(h) *Special cases.* Cases involving situations which do not fall within any of the categories contained in this subpart will be submitted with complete information to the National Office for instructions.

(i) *Processing expiration date.* There is no statutory expiration date for processing retroactive benefits provided under Public Law 93–237, which are made available to borrowers by § 1832.84. However, State Directors should strive to complete all such actions for borrowers in their respective states before June 30, 1974.

§ 1832.85 Emergency loans at 5 percent interest with no forgiveness benefits.

(a) In all counties in which EM loans have been authorized because of a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director (all of which are hereinafter referred to as "disaster(s)"), where the disaster occurred on or after April 20, 1973, the following will apply:

(1) The interest rate will be 5 percent with no cancellation benefit.

(2) Applicants will not be required to prove that they are unable to obtain their credit needs elsewhere as a test for eligibility.

(i) The first sentence of item 23 of Form FHA 410–1, "Application for FHA Services," will be deleted and initialed by the applicant.

(ii) The first sentence of the applicant's certification on Form FHA 440–1, "Payment Authorization," will be deleted and initialed by the applicant.

(b) Applicants that were previously rejected solely because they were able to obtain credit from their regular lender(s) will be notified by letter that they should reapply if they are still interested in an EM loan. Applicants that were rejected for this reason along with other valid reasons which would prevent eligibility will not be notified.

§ 1832.86 Loan purposes.

EM loan funds will be used for the following purposes, except that subsequent EM loans authorized by § 1832.90 (b) may be made for any purpose authorized by § 1832.7.

(a) To repair, restore, or replace damaged or destroyed farm or ranch property and supplies as well as reimburse applicants for expenses already incurred for such purposes. This includes paying off debts owed other creditors when such debts were incurred for the purpose(s) set forth above. In addition, loans may include funds to reimburse applicants for production expenses which went into damaged or destroyed crop and livestock enterprises, but may not include funds to produce new crops during 1974.

(b) To purchase essential replacement personal possessions, home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner. Also, funds may be used to reimburse the applicant for expenses already incurred or to pay off debts for such purposes.

(c) Meet EM loan closing costs, when the advance of funds for this will not result in the loan exceeding the amount of actual loss.

NOTE: Since the loan will be used to indemnify the applicant for actual losses sustained and he is entitled to receive a loan up to such amount if he can provide security and has payment ability which will reasonably protect the Government's interest, it will not ordinarily be necessary to require an applicant to furnish proof of expenditures in order to receive funds for reimbursement purposes. The County Supervisor may request verification from the applicant or third parties of claimed expenditures. In all cases, the applicant must furnish a signed statement itemizing all expenditures for which he is requesting reimbursement. The County Supervisor will document this verification in the applicant's county case file. When funds are used to pay off secured debts the applicant will be required to furnish proof of the indebtedness and give FHA the proper security interest in the chattel or real property being paid off.

§ 1832.87 Loan limitations.

Except for subsequent EM loans authorized by § 1832.90(b), which are covered by limitations in § 1832.8, EM loans will not be made:

(a) For more than the actual loss sustained from a designated disaster.

(b) For purchase of or to pay off debts on passenger automobiles or other equipment not essential to the farming or ranching operation.

(c) To replace personal possessions of a luxury nature such as antiques, fur coats, jewelry, etc.

(d) That would cause the total loan for personal possessions, and/or home fur-

nishings and equipment to exceed $10,000.

(e) To replace a farm or ranch dwelling with a new dwelling that does not meet minimum codes and specifications required for Rural Housing loans made by FHA. The new dwelling must be similar in design and not exceed the size of the one being replaced except as is necessary to meet minimum FHA standards. Also, the total loan for repair or replacement of a dwelling and previously existing adjacent facilities, such as the yard, driveway, and yard fence, may not exceed $50,000.

(f) Which would allow the applicant to use damage or loss to specific farm property in order to qualify him for a loan that would be used for another purpose. For example, an applicant may not use structural damage to his barn for the purpose of obtaining a loan to buy a tractor, whether or not such use of funds would be more advantageous to him. This same principal applies to use of loan funds after a loan is made.

(g) To flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and the contents therein, in areas where "National Flood Insurance" is available, except under the same conditions as authorized for Rural Housing Disaster (RHD) loans in appropriate FHA regulations.

(h) For refinancing other creditors under the terms and conditions contained in § 1832.19.

(i) To refinance or pay off debts owed to the Farmers Home Administration.

(j) To an applicant whose debts have been settled pursuant to Part 1864 of this chapter, or who has been released from personal liability under subpart A of Part 1872 of this chapter as reflected by the County Office records, or where settlement or release under such Instruction is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations, prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

(k) To the following types of applicants:

(1) An estate or a trust.

(2) A corporation owned primarily by an estate, trust, other corporations, or partnerships.

(3) A partnership composed primarily of an estate, trust, corporation, or other partnerships.

(4) A partnership or corporation not primarily engaged in farming, ranching, or oyster planting.

(l) To an applicant operating under the jurisdiction of a bankruptcy court.

§ 1832.88 Payment terms.

EM loans will be scheduled for payment in annual installments as set forth below, consistent with the applicant's reasonable ability to pay. This will be determined by his operations as reflected in his Farm and Home Plan, except that subsequent EM loans authorized by § 1832.90(b) may be scheduled for payment as authorized in § 1832.10.

(a) Amounts that have been used for farm operating expenses may be scheduled for payment over a 1 to 5 year period.

(b) Amounts that have been or will be used for replacement of home furnishings, machinery, and breeding livestock may be scheduled for payment over the useful life of such items, but not to exceed 7 years.

(c) Amounts that have been or will be used for real estate restoration, except housing, may be scheduled for payment over a period not to exceed 20 years.

(d) Amounts that have been or will be used for farm housing restoration may be scheduled for payment over a period not to exceed 33 years.

(e) When a loan is scheduled for payment over a period longer than 10 years, as in the case of farm real estate, dwelling, and building restoration, Form FHA 440–16, "Promissory Note," will be used. In such cases payments will be scheduled in annual installments amortized over the shortest period consistent with payment ability, except that no loan of $2,500 or less will be scheduled for payment over periods in excess of 5 years.

(1) Form FHA 440–16 will be prepared and executed in accordance with the Forms Manual Insert. "EM" will be inserted in the appropriate box to show the kind of loan.

§ 1832.89 Security requirements.

EM loans will be secured as follows, except that subsequent EM loans authorized by § 1832.90(b) will be secured in accordance with the requirements of § 1832.11.

(a) When it is reasonable to believe that the EM loan will be paid in full from 1974 crops and the loan is scheduled for payment from such income and a first lien cannot be obtained, it may be secured by a second lien on crops provided that the repayment of the loan evidenced by the Government's security instruments is adequately secured either by a lien on crops themselves, a lien on other collateral, a written division of income agreement from the holder of the first crop lien, or otherwise, and further provided that the loan balance after any forgiveness does not exceed $2,500.

(1) The loan approval official will determine whether Federal Crop Insurance should be required in accordance with § 1832.12(d) in those cases where a first crop lien will be taken. This determination is a judgment factor and it will be based on the amount and type security other than crops that the applicant can provide.

(b) When the loan is scheduled for payment over a period longer than 1 year but not more than 7 years, it may be secured by the best lien obtainable on the applicant's farm machinery and/or livestock provided the loan balance after any forgiveness does not exceed $25,000, and provided there is adequate equity in such security to fully secure the EM loan.

(c) Where the loan is scheduled for payment over a period in excess of 7 years or exceeds $25,000, it must be fully secured by equity in the applicant's farm real estate.

(d) When an FHA Operating loan is made for 1974 farm operating expenses simultaneously with an EM loan, a single security interest may be taken to secure both loans. In such cases, payments will be applied on a pro rata basis to each loan installment as they are received until one of the loan installments is paid current. Then all payments will be applied to the other loan installment due that year.

(e) A first lien will be obtained on all items of farm machinery and livestock purchased with loan funds. A junior lien may be accepted where funds are used to make a payment on such items when there will be sufficient equity to cover the amount paid on them.

(f) The best lien obtainable will be obtained on farm real estate being repaired or restored. However, such a lien must fully secure the loan. Title evidence is required in these cases.

(g) Determination of an applicant's equity in real estate offered as security will be based on an appraisal showing the market value of the property and the amount of any liens or other encumbrances thereon. This appraisal will be made by a qualified FHA employee authorized to make appraisals. Form FHA 422–1, "Appraisal Report (Farm Tract)," and related forms will be used. When the amount of the loan plus present indebtedness against the property does not exceed $10,000, only parts 1, 2, and 8 of Form FHA 422–1 will be completed and the recommended market value of the property will be shown in part 8.

(h) If the real estate offered as security is held under a purchase contract, it must be determined that:

(1) The applicant has mortgageable interest in the property under a long-term purchase contract.

(2) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) The vendor of the purchase contract agrees in writing to give FHA notice of any breach by the purchasers and further agrees to give FHA 30 days from breach to rectify said conditions.

(i) If any of the prior liens against real estate offered as security contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and to pay for his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate

such objectionable provisions. This will be accomplished usually on Form FHA 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(j) In states where a prior lienholder may foreclose his security instrument under power of sale or otherwise, and extinguish junior liens of private parties without giving junior leinholders actual notice; and where a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State Instruction will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State, and if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(k) If there are essential insurable buildings located on the property, or if new buildings are to be erected, or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate, in accordance with the provisions of Part 1806 of this chapter.

(l) If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing when settlement is made for the proceeds of such claims to be used for replacement or repair of buildings, to be paid to the Government for application on the loan or for such proceeds to be applied on debts secured by prior liens.

(m) Liens will not be taken to secure loan amounts for personal possessions and home equipment or furnishings. Instead, the amount loaned for this purpose will be reasonably secured by a security interest in crops, livestock, farm machinery and/or farm real estate.

NOTE: The County Supervisor will appraise all chattel and real property that will serve as EM loan security when the balance after forgiveness exceeds $2,500.

§ 1832.90 Subsequent loans.

Subsequent EM loans are defined as loans made to borrowers indebted for EM loans. Such loans are authorized under the following circumstances:

(a) Where the initial EM loan was for less than the amount of the actual loss sustained, a supplemental loan may be made for the balance of the actual loss. The interest rate on such a loan depends on whether it is made under § 1832.83 or § 1832.85. No applications will be accepted for this purpose after the termination date for acceptance of applications in a county.

(b) For applications filed before April 2, 1974, subsequent loans may be made only when it is necessary to preserve and protect the security for, or the lien or priority of the lien, securing an outstanding EM loan. The following points will be considered in arriving at the required determination that a subsequent loan is needed to protect the Government's interest; and the County Supervisor will comment on these points in the running case record of the borrower's county case file to show justification for a subsequent loan before it is approved.

(1) Will FHA lose control of future farm or ranch income that ordinarily would be available for payment on the EM loan balance if the subsequent loan is not made?

(2) Will FHA's security position be weakened if the subsequent loan is not made?

(3) Will FHA take a financial loss if the borrower is forced out of farming or ranching because he could not obtain financing from a regular lender?

Additionally, before a subsequent loan may be made, there must be reasonable assurance that the subsequent loan will be repaid and that the balances owed on previous loan(s) will be repaid or substantially reduced within a reasonable period. Borrowers who receive subsequent loans under this authority will be advised in writing by the County Supervisor that no additional subsequent loans will be made and that such borrowers' future credit needs will have to be met from commercial sources or the regular FHA loan programs if they are eligible thereunder. The interest rate on these subsequent loans will be 5 percent. No borrower who has paid his EM loan in full is eligible for a subsequent loan.

§ 1832.91 Relationship with other types of FHA loans.

(a) When an applicant needs credit in addition to an EM loan, he may receive another type FHA loan simultaneously or at a later date to meet this need during the same or a subsequent crop year.

(b) Otherwise eligible farmers and ranchers who have sustained damage to essential farm dwellings and farm service buildings from a qualifying disaster will be considered first for an EM loan instead of an RH or FO loan to restore such real estate property.

§ 1832.92 Handling new designations.

Instructions for handling new designations will be forthcoming. In the meantime, natural disasters should be reported and designation requests submitted in accordance with the procedure set forth in §1832.3. County Supervisors may complete the presently prescribed report in its present form, except that item 9 should address only the need for credit brought about by the disaster and not the availability of credit by commercial lenders.

Dated: February 21, 1974.

FRANK B. ELLIOT,
Administrator,
Farmers Home Administration.

[FR Doc.74-4541 Filed 2-26-74;8:45 am]

CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

PART 2610—AVAILABILITY OF INFORMATION TO THE PUBLIC

PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

Chapter XXVI of 7 CFR is hereby revised by deleting "Office of the Inspector General" from the caption describing Chapter XXVI and inserting in its place "Office of Investigation", by deleting all of Part 2610—Availability Of Information To The Public, and by adding a new Part 2620—Availability Of Information To The Public. The fee schedule for copies of available documents is published as a notice in the FEDERAL REGISTER (currently 38 FR 26742). Such notice is subject to revision from time to time. The new Part 2620 reads as follows:

Sec.
2620.1 General statement.
2620.2 Requests.
2620.3 Exempt records.
2620.4 Denials.
2620.5 Appeals.

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 559.

§ 2620.1 General statement.

This part is issued in accordance with, and subject to, the regulations of the Secretary of Agriculture, §§1.1 through 1.4 of this title, and governs the availability of records of the Office of Investigation (OI) to the public upon request.

§ 2620.2 Requests.

(a) Requests for OI records shall be made in writing to the Assistant Director, Evaluation, OI, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each record requested must be identified with reasonable specificity.

(c) Records so requested will be made available, except for exempt records in the categories specified in § 2620.3.

(d) Available records may be inspected and copied in the Office of the Assistant Director, Evaluation, during regular working hours, or may be obtained by mail. Copies will be provided upon payment of applicable fees prescribed by regulations published in the FEDERAL REGISTER (currently 38 FR 26742).

§ 2620.3 Exempt records.

The following records of OI are exempt from disclosure:

(a) Matters specifically required by Executive Order to be kept secret.

(b) Matters relating solely to internal personnel rules and practices.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial and financial information obtained from a person and privileged or confidential.

(e) Interagency or intra-agency memorandums, letters, and other similar communications that would not be available to a party other than an agency in litigation with the agency.

(f) Personnel and medical files, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a party other than an agency. This would include investigation reports and related notes, work papers, and correspondence.

(h) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency of the Department responsible for the regulation or supervision of financial institutions.

§ 2620.4 Denials.

If the Assistant Director, Evaluation, determines that a requested record is exempt, he shall give prompt written notice of denial, together with the reasons therefor: *Provided*, That except where disclosure is prohibited by Executive Order or statute, or by regulations of other Government agencies, the Assistant Director, Evaluation, may, in individual cases, make available records that are exempt from disclosure, if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

§ 2620.5 Appeals.

The denial of a requested record may be appealed, by the person who made the request, to the Director, Office of Investigation, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The appeal shall be made in writing within 15 days of the date of receipt of the notice of denial. The Director will give written notice of his final determination.

Effective date: February 27, 1974.

Signed at Washington, D.C. this 21st day of February 1974.

L. L. GAST,
Acting Director.

[FR Doc.74-4536 Filed 2-26-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Direct Grants for Public Works Impact Program

Part 305 of 31 CFR Chapter III is hereby amended by revising § 305.4.

In that the matter contained herein is a matter relating to the grant program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 305.4 is revised to read as follows:

§ 305.4 Direct grants for Public Works Impact Program.

The Assistant Secretary may make direct grants not exceeding 50 percent of the cost of a Public Works Impact Program project under section 101 and 401 (a) (6) of the Act, if he determines that the project for which the grant is sought will:

(a) Fulfill a pressing need of the designated redevelopment area or part thereof in which it is or will be located;

(b) Provide immediate useful work primarily through construction jobs to the unemployed and underemployed persons in the redevelopment area or part thereof in which it is or will be located;

(c) Have maximum on-site employment costs as a substantial portion of the total project;

(d) Have the largest possible proportion of the project expenditures within the project area;

(e) Be such that construction can be substantially completed within 12 months from the date of its commencement;

(f) Satisfy public need and timing in getting construction underway and becoming operational.

(Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970)).

Effective date. This revision becomes effective on February 27, 1974.

Dated: February 20, 1974.

WILLIAM W. BLUNT, JR.,
Assistant Secretary for Economic Development.

[FR Doc.74-4612 Filed 2-26-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-100]

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

Designation of Federal Airway

On December 27, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 35325) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish VOR Federal Airway No. 499 from Lancaster, Pa., to Binghamton, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended by adding: V-499 From Lancaster, Pa., to Binghamton, N.Y.

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

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-4613 Filed 2-26-74;8:45 am]

[Airspace Docket No. 73-WA-7]

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

Designation of Terminal Control Area at Pittsburgh, Pennsylvania

On August 15, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 22043) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Pittsburgh, Pa.

Subsequent investigation discovered that the glide slope to runway 10L and the projected departure profiles from runways 10R and 28R would not be contained at or above the TCA floors. On December 6, 1973, a Supplemental NPRM was published in the Federal Register (38 FR 33603) containing an amended proposal that would extend the proposed Area B from 10 to 11 miles in the area of the extended runway centerlines.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received in response to the NPRM and Supplemental NPRM were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.401(b) (39 FR 636) the following Pittsburgh, Pa., Group II Terminal Control Area is added:

PITTSBURGH, PA., TERMINAL CONTROL AREA

Primary Airport. Greater Pittsburgh Airport (Latitude 40°29'37" N., Longitude 80°-13'54" W.)

Boundaries. (Based on Imperial VORTAC (IRL) (Latitude 40°29'12" N., Longitude 80°14'03" W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of IRL VORTAC, and between the 10 and 11 mile radii of the IRL VORTAC extending from the 076° radial clockwise to the 106° radial and from the 259° radial clockwise to the 288° radial; excluding Area A.

Area C. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of IRL VORTAC and between the 20 and 30-mile radii of the IRL VORTAC extending from the 076° radial clockwise to the 106° radial and

from the 259° radial clockwise to the 288° radial; excluding Areas A and B.

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

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-4614 Filed 2-26-74;8:45 am]

[Reg. Docket No. 13546; Amdt. 95-243]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendement to Part 95 of the Federal Aviation regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 28, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.47 *Green Federal airway 7* is amended to delete:

From, to, and MEA

Nome, Alaska, LFR; Norton Bay, Alaska, LF/RBN; *5,000. *4,200—MOCA.

Section 95.47 *Green Federal airway 7* is amended by adding:

Fort Davis, Alaska, LF/RBN; Norton Bay, Alaska, LF/RBN; *5,000. *4,200—MOCA.

Section 95.48 *Green Federal airway 8* is amended to read in part:

Mantanuska INT, Alaska; Glenallen, Alaska, LF/RBN; *10,000. *9,300—MOCA.
Glenallen, Alaska, LF/RBN; Northway, Alaska, LFR; *10,000. *9,900—MOCA.

Section 95.101 *Amber Federal airway 1* is amended to delete:

Darby INT, Alaska; Nome, Alaska, LFR; 3,000.

Section 95.101 *Amber Federal airway 1* is amended by adding:

Darby INT, Alaska; Fort David, Alaska, LF/RBN; 3,000.

Section 95.101 *Amber Federal airway 1* is amended to read in part:

*Egg Island INT, Alaska; Hinchinbrook, Alaska, LF/RBN; 3,100. *2,500—MCA Egg Island INT, westbound.
Hinchinbrook, Alaska, LF/RBN; Storey INT, Alaska; 5,000.

Section 95.625 *Blue Federal airway 25* is amended to read:

Cleare INT, Alaska; *Hinchinbrook, Alaska, LF/RBN; 4,000. *5,500—MCA Hinchinbrook LF/RBN, northeast-bound.
Hinchinbrook, Alaska, LF/RBN; *Sheep Bay INT, Alaska; 6,000. *8,500—MCA Sheep Bay INT, northeast-bound.
Sheep Bay INT, Alaska; Glenallen, Alaska, LF/RBN; 9,500.
Glenallen, Alaska, LF/RBN; *Big Delta, Alaska, LFR**12,000. *9,200—MCA Big Delta LFR, southbound. **11,500—MOCA.

Section 95.627 *Blue Federal airway 27* is amended to delete:

Oscarville, Alaska, LF/RBN; Nome, Alaska, LFR; *4,000. *3,800—MOCA.
Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; *6,000. *5,400—MOCA.

Section 95.627 *Blue Federal airway 27* is amended by adding:

Oscarville, Alaska, LF/RBN; Fort Davis, Alaska, LF/RBN; *4,000. *3,800—MOCA.
Fort Davis, Alaska, LF/RBN; Kotzebue, Alaska, LF/RBN; *6,000. *5,400—MOCA.

Puerto Rico Routes

Section 95.1001 *Direct Routes—U.S. Route 2* is amended to read in part:

Ramey, P.R., VOR; *Pueblo INT, P.R.: 2,000. *2,500—MRA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

*Planter INT, S.C.; Myrtle Beach, S.C., VOR; 2,000. *2,500—MRA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Alexandria, Minn., VOR; Minneapolis, Minn., VOR; 3,000.
Minneapolis, Minn., VOR; Prescott INT, Wis.; 3,600.
Minneapolis, Minn., VOR via north alter.; River Falls INT, Wis., via north alter.; 3,600.

Section 95.6006 *VOR Federal airway 6* is amended to delete:

Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.
Shabbona INT, Ill.; Naperville, Ill., VOR; *2,600. *2,200—MOCA.
Naperville, Ill., VOR; Steamboat INT, Ill.; *2,500. *2,300—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended by adding:

Harmon INT, Ill.; Du Page Ill., VOR; *2,700. *2,200—MOCA.
Niles INT, Ill.; Steamboat INT, Ill.; *2,500. *2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Greenville, Fla., VOR; Reno, INT, Ga.; 2,200.
Reno, INT, Ga.; Pansey INT, Ala.; *1,800. *1,600—MOCA.
Pansey INT, Ala.; Dothan, Ala., VOR; 2,500.
Montgomery, Ala., VOR; *Jones INT, Ala.; 2,000. *3,000—MRA.
Jones INT, Ala.; Birmingham, Ala., VOR; 3,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Harmon INT, Ill.; Scar INT, Ill.; *2,700. *2,200—MOCA.
Scar INT, Ill.; Joliet, Ill., VOR; *2,700. *2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to delete:

Joliet, Ill., VOR; Naperville, Ill., VOR; *2,500. *2,200—MOCA.
Naperville, Ill., VOR; Don Dee INT, Ill.; *2,800. *2,300—MOCA.
Don Dee INT, Ill.; Poplar INT, Ill.; *2,900. *2,300—MOCA.
Poplar INT, Ill.; Jay Bee INT, Wis.; *2,900. *2,600—MOCA.
Jay Bee INT, Wis.; Milwaukee, Wis, VOR; *2,900. *2,700—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended by adding:

Joliet, Ill., VOR; Belvidere INT, Ill.; *2,600. *2,200—MOCA.
Belvidere INT, Ill.; Milwaukee, Wis., VOR; *2,900. *2,700—MOCA.
Pontiac, Ill., VOR via west alter.; Chana INT, Ill. via west alter.; *2,700. *2,400—MOCA.
Chana INT, Ill., via west alter.; Belvidere INT, Ill., via west alter.; *5,000. *2,200—MOCA.
Belvidere INT, Ill., via west alter.; Milwaukee, Wis., VOR via west alter.; *2,900. *2,700—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to delete:

Plano INT, Ill.; Naperville, Ill., VOR; *2,700. *2,100—MOCA.
Naperville, Ill., VOR; Steamboat INT, Ill.; *2,500. *2,300—MOCA.
Naperville, Ill., VOR via north alter; *Surf INT, Ill., via north alter.; 3,400. *3,100—MCA Surf INT, westbound.
Surf INT, Ill., via north alter.; Neptune INT, Ill., via north alter.; *2,300. *2,000—MOCA.
Neptune INT., Ill., via north alter.; South Bend, Ind., VOR via north alter.; 2,600.

Section 95.6010 *VOR Federal airway 10* is amended by adding:

Plano INT, Ill.; Chicago O'Hare, Ill., VOR; 2,500.
Niles INT, Ill.; Steamboat INT, Ill.; *2,500. *2,300—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Farmington, Minn., VOR; Grantsburg, Wis., VOR; 3,600.
Lydia INT, Minn., via west alter.; Minneapolis, Minn., VOR via west alter.; 3,000.
Minneapolis, Minn., VOR via west alter.; Grantsburg, Wis., VOR via west alter.; 3,000.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Albuquerque, N. Mex., VOR via west alter.; Zia INT, N. Mex., via west alter.; *9,000. *8,500—MOCA.
Zia INT, N. Mex., via west alter.; Santa Fe, N. Mex., VOR via west alter.; 9,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Flying Cloud, Minn., VOR; River Falls INT, Wis.; 3,300.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Mooresville INT, N.C.; Ostwalt INT, N.C.; 3,000.
Ostwalt INT, N.C.; Burch INT, N.C.; *5,000. *3,500—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Wyanet INT, Ill.; Joliet, Ill., VOR; *2,500. *2,000—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Waterville, Ohio, VOR; Japer INT, Mich.; *2,500. *2,000—MOCA.
Japer INT, Mich.; Jackson, Mich., VOR; *2,800. *2,500—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Janesville, Wis., VOR; *Rast INT, Wis.; **2,900. *3,500—MRA. **2,700—MOCA.
Rast INT, Wis.; Milwaukee, Wis., VOR; *2,900. *2,700—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Albuquerque, N. Mex., VOR via south alter.; *Becker INT, N. Mex., via south alter.; 8,000. *9,000—MCA Becker INT, SE-bound.
Becker INT, N. Mex., via south alter.; Corona, N. Mex., VOR via south alter.; 10,000.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Darwin, Minn., VOR; Minneapolis, Minn., VOR; 3,000.
Minneapolis, Minn., VOR; Boyceville INT, Wis.; 3,600.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Brainerd, Minn., VOR; Minneapolis, Minn., VOR; 3,000.
Minneapolis, Minn., VOR; Farmington, Minn., VOR; 3,000.

Section 95.6097 *VOR Federal airway 97* is amended by adding:

Chicago Heights, Ill., VOR; Joliet, Ill., VOR; *2,600. *2,300—MOCA.
Joliet, Ill., VOR; Tiger INT, Ill.; *2,500. *2,100—MOCA.
Tiger INT, Ill.; Woodstock INT, Ill.; *2,700. *2,200—MOCA.
Woodstock INT, Ill.; Janesville, Wis., VOR; *2,900. *2,300—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended by adding:

Nortbrooks, Ill., VOR; Woodstock INT, Ill.; *2,700. *2,200—MOCA.
Woodstock INT, Ill.; Janesville, Wis., VOR; *2,900. *2,300—MOCA.

Section 96.6097 *VOR Federal airway 97* is amended to read in part:

Knoxville, Tenn., VOR via east alter.; Maynardville INT, Tenn., via east alter.; *3,800. *3,600—MOCA.
Maynardville INT, Tenn., via east alter.; London, Ky., VOR via east alter.; 5,300.
Prescott INT, Wis.; Minneapolis, Minn. VOR; 3,600.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

Hudson INT, Mich.; Japer INT, Mich.; *3,000. *2,000—MOCA.
Japer INT, Mich.; Carleton, Mich., VOR; 2,500. *2,000—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Rockford, Ill., VOR; Woodstock, INT, Ill.; *2,800. *2,500—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Montgomery, Ala., VOR; *Jones INT, Ala.; 2,000. *3,000—MRA.
Jones INT, Ala.; Birmingham, Ala., VOR; 3,000.

Section 95.6116 *VOR Federal airway 116* is amended to delete:

Joliet, Ill., VOR; Naperville, Ill., VOR; *2,500. *2,200—MOCA.
Naperville, Ill., VOR; *Surf INT, Ill.; 3,400. *3,100—MCA Surf INT, westbound.
Surf INT, Ill.; Neptune INT, Ill.; *2,300. *2,000—MOCA.
Naperville, Ill., VOR via south alter.; Steamboat INT, Ill., via south alter.; *2,500. *2,300-MOCA.
Steamboat INT, Ill., via south alter.; Keeler, Mich., VOR via south alter.; *2,600. *2,100—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Mayer INT, Minn.; Minneapolis, Minn., VOR; 3,000.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

River Falls INT, Wis.; Minneapolis, Minn., VOR; 3,600.
Minneapolis, Minn., VOR; Brainerd, Minn., VOR; 3,000.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Naperville, Ill., VOR; Don Dee INT, Ill., *2,800. *2,300-MOCA.

Don Dee INT, Ill.; Janesville, Wis., VOR; *2,700. *2,500-MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Du Page, Ill., VOR; Janesville, Wis., VOR; *2,800. *2,400-MOCA.

Section 95.6187 *VOR Federal airway 187* is amended by adding:

Albuquerque, N. Mex., VOR via east alter.; Pedro INT, New Mexico, via east alter.; 9,000.
Pedro INT, New Mexico, via east alter.; Otis INT, New Mexico, via east alter.; *11,000. *9,800-MOCA.
Otis INT, New Mexico, via east alter.; Farmington, N. Mex., VOR via east alter.; 9,000.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

St. Johns, Ariz., VOR via south alter.; *Stony INT, New Mexico, via south alter.; **12,000. *9,500-MCA Stony INT, southwest-bound
Stony INT, New Mexico, via south alter.; Alburque, N. Mex., VOR via south alter.; 9,000.

Section 95.6196 *VOR Federal airway 196* is amended to read in part:

*Beaver INT, N.Y.; **Stack INT, N.Y.; 5,000. *6,000-MRA. **6,000-MRA.
Stack INT, N.Y.; Saranac Lake, N.Y., VOR; 5,000.

Section 95.6218 *VOR Federal airway 218* is amended to delete:

Rockford, Ill., VOR; Malta INT, Ill.; *2,700. *2,100—MOCA.
Malta INT, Ill.; *Warren INT, Ill.; **2,600. *6,000—MRA. **2,200—MOCA.
Warren INT, Ill.; Naperville, Ill., VOR; *2,600. *2,200—MOCA.
Naperville, Ill., VOR; *Surf INT, Ill.; 3,400. *3,100—MCA Surf INT, westbound.
Surf INT, Ill.; Neptune INT, Ill.; *2,300. *2,000—MOCA.
Neptune INT, Ill.; Keeler, Mich., VOR; *2,600. *2,000—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Grand Rapids, Minn., VOR; Minneapolis, Minn., VOR; *5,500. *3,000—MOCA.
Minneapolis, Minn., VOR; Cannon Falls INT, Minn.; 3,500.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

*Cape Romano INT, Fla.; Fort Myers, Fla., VOR; **2,000. *4,500—MRA. **1,700—MOCA.

Section 95.6227 *VOR Federal airway 227* is amended to read in part:

Pontiac, Ill., VOR; Chana INT, Ill.; *2,700. *2,400—MOCA.
Chana INT, Ill.; Rochford, Ill., VOR; *2,600. *2,500—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to delete:

Waco, Tex., VOR; Peoria INT, Tex.; *2,000. *1,700—MOCA.
Peoria INT, Tex.; Greater Southwest, Tex., VOR; 2,800.
Greater Southwest, Tex., VOR; Ardmore, Okla., VOR; *2,700. *2,300—MOCA.

Section 95.6343 *VOR Federal airway 343* is amended to read in part:

Ranger INT, Mont.; *Gateway INT, Mont., southbound, *14,000. northbound, 10,000. *11,500—MCA Gateway INT, southbound.
Gateway INT, Mont.; Bozeman, Mont., VOR; southbound, *14,000. northbound, *8,000. *7,700—MOCA.

Section 95.6358 *VOR Federal airway 358* is added to read:

Waco, Tex., VOR; Peoria INT, Tex.; *2,000. *1,700—MOCA.
Peoria INT, Tex.; Greater Southwest, Tex., VOR; 2,800.
Greater Southwest, Tex., VOR; Ardmore, Okla., VOR; *2,700. *2,300—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended to delete:

Joliet, Ill., VOR; Tiger INT, Ill.; *2,500. *2,100—MOCA.
Tiger INT, Ill.; Woodstock INT, Ill.; *2,700. *2,200—MOCA.
Woodstock INT, Ill., Jay Bee INT, Wis.; *3,000. *2,600—MOCA.
Jay Bee INT, Wis.; Oshkosh, Wis., VOR; *5,000. *2,300—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended by adding:

Joliet, Ill., VOR; Du Page, Ill., VOR; *2,500. *2,100—MOCA.
Du Page, Ill., VOR; *Rast INT, Wis.; **3,500. *3,500—MRA. **2,600—MOCA.
Rast INT, Wis.; Oshkosh, Wis., VOR; *5,500. *2,300—MOCA.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

Black Hill INT, Alaska; Tanner INT, Alaska; *#14,000. *2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Tanner INT, Alaska; King Salmon, Alaska, VOR; *#3,000. *1,300—MOCA. #MEA is established with a gap in navigation signal coverage.
King Salmon, Alaska, VOR; Big Mountain INT, Alaska; *5,000. *4,500—MOCA.

Section 95.7093 *Jet route No. 93* is added to read:

From; to; MEA; and MAA

Ontario, Calif., VORTAC; Julian, Calif., VOR TAC; 18,000; 45,000.
Julian, Calif., VORTAC; U.S. Mexican Border; 18,000; 45,000.

Section 95.7133 *Jet route No. 133* is amended to read in part:

Biorka Island, Alaska, VORTAC; Hinchinbrook, Alaska, LF/RBN; 18,000; 45,000.
Hinchinbrook, Alaska, LF/RBN; Johnstone Point, Alaska, VOR; 18,000; 45,000.

Section 95.7185 *Jet route No. 185* is added to read:

Traverse City, Mich., VORTAC; Flint, Mich., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows: Section 95.8003 *VOR Federal airway changeover points:*

From; to; changeover point distance from

V-506 is amended to delete:

Kodiak, Alaska, VOR; King Salmon, Alaska, VORTAC; 45; Kodiak.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued February 19, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-4372 Filed 2-26-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 365—MOBILE TRADE FAIRS

Deletion of Part

Part 365 is deleted from 15 CFR Chapter III.

Dated: February 20, 1974.

M. VAN GESSEL,
Deputy Assistant Secretary for International Commerce.

[FR Doc.74-4554 Filed 2-26-74;8:45 am]

CHAPTER VI—BUREAU OF DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE

PART 601—ISSUANCE OF LICENSES UNDER FOREIGN PATENTS OWNED BY THE UNITED STATES

Revocation of Part

Part 601 of 15 CFR Chapter VI of Title 15 is revoked.

Dated: February 19, 1974.

GARY M. COOK,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-4555 Filed 2-26-74; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T. O. 74-77]

PART 153—ANTIDUMPING

Racing Plates (Aluminum Horseshoes) From Canada

FEBRUARY 22, 1974.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that racing plates (aluminum horseshoes) from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of October 23, 1973 (38 FR 29260).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on January 24, 1974, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of racing plates (aluminum horseshoes) from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of January 31, 1974 (39 FR 4013).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to racing plates (aluminum horseshoes) from Canada.

Section 153.43 of the Customs regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Racing plates (aluminum horseshoes).	Canada	74-77

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-4667 Filed 2-25-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ipronidazole

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-477V) filed by Hoffmann La Roche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulation for ipronidazole to provide for the manufacture of finished feeds from feed supplements that contain up to 0.0625 percent of ipronidazole. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.56 is amended by revising paragraph (e) to read as follows:

§ 135e.56 Ipronidazole.

* * * * *

(e) *Special considerations.* Finished feed processed from feed supplements that contain up to 0.0625 percent ipronidazole and that comply with the provisions of both this paragraph and paragraph (f) of this section are exempted from the requirements of section 512(m) of the act.

* * * * *

Effective date. This order shall be effective February 27, 1974.

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

Dated: February 19, 1974.

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

[FR Doc.74-4531 Filed 2-26-74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

Miscellaneous Amendments to Chapter

Regulations codified under § 126.1(f)(1)(ii) are amended to require special marking of magnetic material sent to overseas military post offices by surface shipment and to preclude the use of registered mail for these items.

Regulations codified under § 132.1(b)(2)(iii) are amended to add a reference to § 134.5(b) for definitions of the various non-profit organizations and associations listed in subdivisions (*a*)–(*h*) thereunder.

Regulations codified under § 144.4(i) are amended to authorize the use of the postage meter ad-plate area for specific postal markings.

Regulations codified under § 159.7(b)(9)(ii) are revised to conform to the previous revocation of Part 620 of Publication 42, dealing with International Mail, which had provided for opening, with the addressee's consent, sealed letters of foreign origin believed to contain prohibited matter.

Regulations codified under § 159.7(e) and (f) contain directions to postal employees concerning (1) the disposition of certain dead letters containing cash, and (2) the preparation of a catalog of unclaimed merchandise from the mail to be sold at public auction. Since these regulations involve purely internal, administrative matters, they are removed from the Code of Federal Regulations. In addition, paragraphs (b)(2)(iii) and (b)(3) of § 159.7 are amended to correct certain section references.

Accordingly, the following amendments are effective immediately:

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

1. In § 126.1 *Preparation and handling,* paragraph (f)(1)(ii) is revised to read as follows:

§ 126.1 Preparation and handling.

* * * * *

(f) * * * (1) * * *

(ii) Magnetic material shipped by air having sufficient magnetic field to cause

a compass deviation at 15 feet or more. Magnetic material causing a compass deviation at less than 15 feet shall have the required magnetic equipment caution label affixed. This does not apply to magnetic material sent by surface shipment. However, parcels containing magnetic material with unconfined fields must be clearly identified on the wrapper as MAGNETIC—KEEP 15 FEET AWAY FROM NAVIGATIONAL EQUIPMENT and may not be transmitted by registered mail.

PART 132—SECOND CLASS

2. In § 132.1 *Rates*, paragraph (b)(2)(iii) is revised to read as follows:

§ 132.1 Rates.

* * * * *

(b) * * *

(2) * * *

(iii) The rates in paragraph (b)(2)(i) and (ii) of this section apply only to publications issued by and in the interest of the following organizations and associations (see § 134.5(b) for definitions of organizations listed in paragraph (b)(2)(iii)(a)–(h) of this section) not organized for profit and none of the net income of which benefits any private stockholder or individual, when specially authorized by the Postal Service: (see § 132.3(c)(1)).

* * * * *

PART 144—POSTAGE METERS AND METER STAMPS

3. In § 144.4 *Meter stamps*, paragraph (i) is revised to read as follows:

§ 144.4 Meter stamps.

* * * * *

(i) *Ad plates.* (1) Advertising matter, slogans, and the postal markings specified in paragraph (i)(2) of this section may be printed with the meter stamps within space limitations. Licensees must obtain the plates for the printing of this matter from authorized meter manufacturers to assure suitable quality and content in accordance with the requirements of the Postal Service. The advertising and slogans must not be objectionable or misleading.

(2) The following postal markings relating to the class of mail are permissible: FIRST CLASS; THIRD CLASS; BLK. RT.; NONPROFIT ORG.; FOURTH CLASS; BULK CATALOG RATE; AIR MAIL; AND PRIORITY MAIL. If a postal marking is to appear in the ad plate area, no other matter is to be printed. The marking must fill the entire ad plate area to the extent practicable. All words must be in bold, capital letters which are at least ¼" in height or 18-point type and legible at two feet. Exceptions for small ad plates that will not accommodate any of the above markings will not be considered.

PART 159—UNDELIVERABLE MAIL

4. In § 159.7 *Dead mail*, paragraph (b)(2)(iii), (b)(3), and (b)(9)(ii) are revised to read as follows, and paragraphs (e) and (f) are deleted and reserved.

§ 159.7 Dead mail.

* * * * *

(b) * * *

(2) * * *

(iii) Dispose of any letter in the categories listed in paragraphs (b)(8) and (b)(9) of this section and in §§ 159.75 and 159.76 of the Postal Service Manual in accordance with those instructions.

* * * * *

(3) *Letters which cannot be returned or forwarded.* Destroy letters which contain correspondence only and which are without sufficient information to enable return to the sender or delivery to addressee. Dispose of other letters in accordance with paragraphs (b)(8) and (b)(9) of this section and §§ 159.75 and 159.76 of the Postal Service Manual.

* * * * *

(9) * * *

(ii) *Foreign lottery matter.* Dispose of mail of foreign origin containing lottery matter in accordance with the following: (A) Where the sender can be identified as the respondent in an outstanding foreign lottery order (see revised Postal Service Publication 43 and weekly Postal Bulletins), the mail should be disposed of as provided by section 244.4 of Postal Service Publication 42, "International Mail"; (B) Where the sender cannot be so identified, a sample of the mailing should be forwarded to the Consumer Protection Office, Law Department, Headquarters, for appropriate attention pursuant to 39 U.S.C. § 3005, and additional pieces of mail from the same sender should be withheld from delivery pending publication of notice in the Postal Bulletin that a foreign lottery order has been issued against the sender, or the receipt of other instructions from the Law Department. Upon issuance of a foreign lottery order the mail should be disposed of as indicated in paragraph (b)(9)(ii)(A) of this section.

* * * * *

(e) [Reserved]

(f) [Reserved]

(39 U.S.C. 401(2))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-4550 Filed 2-26-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 13—COMMERCIAL RADIO OPERATORS

Morse Code Examinations

In the matter of amendment of Part 13 of the rules to list the elements of the radiotelegraph Morse Code examinations.

1. Section 13.21 of the rules for commercial radio operators lists the license examination written elements, but not the code test elements. Section 97.21 of the rules for the Amateur Radio Services lists both the written and code test elements. The amendments as shown in the attached Appendix will list under the examination elements the four specific levels of Morse Code tests included in the commercial radiotelegraph operator license examinations.

2. The amendments adopted herein are editorial in nature, and hence the prior notice, procedure, and effective date provisions of 5 U.S.C. § 553 do not apply. Authority for the promulgation of the amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules.

3. Accordingly, Part 13 of the Commission's Rules is amended as set forth below, effective March 1, 1974.

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

Adopted: February 19, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
JOHN M. TORBET,
Executive Director.

Part 13 of 47 CFR Chapter I is amended as follows:

1. Section 13.21 is amended by adding paragraph (b) as follows:

§ 13.21 Examination elements.

* * * * *

(b) Examination elements of the radiotelegraph Morse Code comprise sending and receiving tests at the following rates:

(1) Sixteen (16) code groups-per-minute.

(2) Twenty (20) plain language words-per-minute.

(3) Twenty (20) code groups-per-minute.

(4) Twenty-five (25) plain language words-per-minute.

[FR Doc.74-4580 Filed 2-26-74;8:45 am]

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Construction or Alteration of Antenna Towers

In the matter of Amendment of Part 17 of the Commission's rules requiring notice of construction or alteration of antenna towers.

1. Under consideration are editorial amendments to §§ 17.7, 17.14, and 17.57 of the Commission's rules governing the notice requirements of changes in construction, marking and lighting of antenna structures.

2. The notice required in § 17.7 to be given the Federal Aviation Administration (FAA) prior to construction or alteration of antenna structures, and the exemption thereto in Section 17.14, was established in accordance with FAA criteria set forth in its regulations,[1] and are in keeping with FAA's statutory responsibility for promoting safety in air commerce. The changes indicated in the attached appendix permits the Commission's rules to conform with the changes

and editorial corrections to FAR Part 77 adopted by FAA on May 2, 1968, and published in the FEDERAL REGISTER (28 FR 5255) on April 2, 1968.

3. Section 17.57 of the Commission's Rules requires that notice of antenna construction or changes be given the "Director, U.S. Coast and Geodetic Survey" prior to or upon completion thereof. Since the US C&GS has been changed to the National Ocean Survey, and the form for reporting of such information has been redesignated NOAA Form 76-10, Section 17.57 is being appropriately amended.

4. The amendments would conform the Commission's rules with those already established and in effect and are, therefore, editorial in nature. Hence, the prior notice and effective date provision of section 4 of the Administrative Procedures Act (5 U.S.C. 553) does not apply. Authority for the changes in contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations.

5. In view of the foregoing, *It is ordered*, That, effective March 4, 1974, Part 17 of the Commission's Rules is amended as set forth below.

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

Adopted: February 20, 1974.

Released: February 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

1. Section 17.7 is amended to read as follows:

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 200 feet in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (d) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (d) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (d) of this section.

(c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

(d) Any construction or alteration on any of the following airports (including heliports):

(1) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(3) An airport that is operated by an armed force of the United States.

NOTE: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

2. Section 17.14(c) is amended to read as follows:

§ 17.14 Certain antenna structures exempt from notification to the FAA.

* * * * *

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

3. Section 17.57 is amended to read as follows:

§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking or lighting is required shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Aeronautical Chart Division of the National Ocean Survey, NOAA Form 76-10 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety in air navigation.

[FR Doc.74-4581 Filed 2-26-74;8:45 am]

[1] Federal Aviation Regulations, Part 77, Subpart B.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Removal of Distillate Production Incentive

On December 5, 1973 the Cost of Living Council amended its Phase IV price regulations to adopt the first step of a refinery incentive program which allowed petroleum refiners to adjust the relative prices of distillate fuel and gasoline in order to encourage increased production of middle distillates. Specifically, refiners were allowed to increase their May 15, 1973 selling prices of distillates by 2 cents and required to reduce their May 15, 1973 selling prices of gasoline by one cent.

The second step of the refinery incentive program was adopted on December 28, 1973. That amendment extended the incentive to produce distillate fuels by use of a sliding scale matrix which permitted measured increments in distillate fuel prices to the extent that production of these fuels exceeded the production level that resulted from the first step adjustment.

The FEO has reviewed the current status of distillate and gasoline supplies and determined that energy conservation practices and warmer weather than usual, as well as the incentive factors provided for distillate production, have resulted in adequate supplies of distillates for the rest of this winter. Consideration has also been given to the increased needs for gasoline during the spring and summer months and the historical pattern of refinery shifts from maximizing distillate production to maximizing gasoline production that normally occurs at this time of the year. In light of these facts, the FEO has determined that the removal of the distillate incentive factors is appropriate at this time. This action will encourage increased gasoline production by refiners as the summer months approach.

This amendment to the pricing regulations is therefore issued to remove the incentive factors previously adopted in the first and second steps of the refinery incentive program which operated to maximize production of distillates during the winter months. This revocation will result in a decrease in the May 15, 1973 selling prices of distillates by 2 cents and an increase in the May 15, 1973 selling prices of gasoline by one cent, effective March 1, 1974. As was true in December when the original incentive was added, removal of the incentive will have a generally neutral effect upon refiners' profit since the decrease in distillate price roughly balances out the increase in gasoline prices.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable 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 47, 39 FR 24)

In consideration of the foregoing, Part 212 of 10 CFR Chapter II is amended as set forth below, effective March 1, 1974.

Issued in Washington, D.C., February 25, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

§ 212.31 [Amended]

1. Section 212.31 is amended by deleting the definitions of "aviation turbine fuels," "kerosene," "No. 1 heating oil," "No. 1-D diesel fuel," "No. 4 fuel oil" and "No. 4-D diesel fuel."

§ 212.82 [Amended]

2. Section 212.82 is revised in paragraph (f) (1) (i) to read as follows:

(i) The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

3. Section 212.82 (f) (1) (ii) is deleted.

4. Paragraph (f) (1) (iii) of § 212.82 is renumbered as paragraph (f) (1) (ii).

5. Section 212.82 is revised in paragraph (f) (2) (i) to read as follows:

(i) Notwithstanding the general rule in paragraph (f) (1) of this section, in computing the base price for special products, a refiner may not increase its May 15, 1973 selling price to each class of purchaser more than once in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 212.83, but may implement the increase on any day during that month.

6. Section 212.82 (f) (2) (ii) is deleted.

7. Paragraph (f) (2) (iii) of § 212.82 is renumbered as paragraph (f) (2) (ii).

§ 212.84 [Deleted]

8. Section 212.84 is deleted.

§ 212.126 [Amended]

9. Section 212.126 is amended in paragraph (b) by deleting the last sentence.

[FR Doc.74-4782 Filed 2-25-74;4:25 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 Indian Affairs

[25 CFR Part 221]

WIND RIVER IRRIGATION PROJECT, WYO.

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 FR 258), and virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637) January 16, 1969, and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10–2, 10 BIAM 7.2, § 2.70, notice is hereby given of the Intention to modify 25 CFR 221.95, dealing with the irrigable lands of the Wind River Irrigation Project, Wyoming. Purpose of this amendment is to establish the LeClair-Riverton Irrigation District the 1974 irrigation season, and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Bureau of Indian Affairs, Fort Washakie, Wyoming 82514, on or before March 29, 1974.

Section 221.95 as amended would read

§ 221.95 Charges.

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1972 and subsequent years until further notice, are hereby fixed at $4.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $4.20 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian Land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

CLYDE W. HOBBS,
Superintendent,
Wind River Agency.

[FR Doc.74-4556 Filed 2-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A26]

MILK IN THE DES MOINES, IOWA, MARKETING AREA

Recommended Decision on Proposed Amendments to Marketing Agreement and Order.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250 by March 14, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Des Moines, Iowa, on May 8–9, 1973, pursuant to notice thereof, which was issued April 26, 1973 (38 FR 10736).

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

1. Pool plant qualification.
2. Diversion limits on producer milk.
3. Definition of handler.
4. Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.
5. Location adjustment credit on bulk milk transferred between pool plants.
6. Miscellaneous administrative provisions.

FINDINGS AND CONCLUSIONS

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

1. *Pool plant qualifications.* The provisions of the order pertaining to pool plant performance standards should be modified as follows:

(a) The shipping requirement for a pool supply plant should be reduced from 35 to 30 percent for each of the months of April through August;

(b) Pool plant qualification percentages should be computed on the basis of a plant's physical receipts of bulk fluid milk products together with milk diverted from such plants under the diversion limits adopted elsewhere in this decision. Qualifying percentages are now based on producer milk physically received at a plant plus, in the case of distributing plants, receipts from supply plants; and

(c) Packaged fluid milk products that are transferred to a distributing plant should be considered as route disposition from the transferor plant for the purpose of qualifying it as a pool distributing plant.

Supply plant shipping requirement. A cooperative association representing the majority of producers on the Des Moines market proposed a reduction of 5 percentage points in the pool supply plant minimum shipping percentage, which presently is 35 percent each month.

In support of the proposal for a lower minimum shipping performance for pool supply plant status, the cooperative's witness stated that a 30 percent shipping percentage is needed in view of the market's declining Class I utilization.

Proponent's witness stated that two supply plants with long standing in the market have experienced difficulty meeting the 35 percent shipping percentage specified in the order. The witness claimed that on occasions both of these supply plants have engaged in shipping milk to a distributing plant where such milk is received and then reloaded on the same tank truck and hauled back to the supply plant or neighboring nonpool manufacturing facility. Such a practice was said to be uneconomic and an indication that a reduction in the shipping percentage is needed.

Three other cooperatives associated with the Des Moines market supported the proposal, including the cooperative association operating one of the supply plants having difficulty in qualifying. This cooperative, in supporting the major cooperative's proposal, abandoned its proposal to provide pooling status during March through August for a supply plant that shipped not less than 40 percent of its milk to pool distributing plants in the immediately preceding September through November.

Relaxation of supply plant shipping requirements was opposed by a cooperative association and a proprietary han-

dler, each of which operates a pool distributing plant located in Des Moines. Such handlers contended in testimony at the hearing and also in their briefs that any reduction in the current shipping requirements for supply plants would enable the pooling of additional supplies of milk for manufacturing use without supch milk being made available to pool distributing plants for Class I use.

The proportion of the Des Moines market's supply of milk needed at pool distributing plants for Class I use has declined in recent years. During the period from 1968 to 1972 the Des Moines market's Class I utilization fell from an average of 69 percent to 53 percent, a decline of 16 percentage points. During this 5-year period the quantity of producer milk pooled on the Des Moines market increased 42 percent while the quantity of such milk utilized as Class I increased only 8.6 percent. In 1972 approximately 586.5 million pounds of producer milk were pooled on the Des Moines market, 309.9 million pounds of which were utilized as Class I milk.

The quantity of milk utilized in pool distributing plants has been relatively constant from month to month. Milk production, however, varies seasonally. Average daily deliveries of milk per farm on the Des Moines market are about 30 percent greater in June than in November. In these circumstances, a greater proportion of the market's milk supply is utilized by distributing plants in the short production season than in the months of seasonally high production. Accordingly, a greater proportion of the milk supply that is assembled at supply plants can be expected to be needed at pool distributing plants during the seasonally short production months than during other months.

Pool supply plants on the Des Moines market during 1972 shipped a greater quantity of milk to pool distributing plants during the period of shortest production than in the period of highest production. Such shipments amounted to 16.98 million pounds during October through December and 14.79 million pounds during April through June. Appropriately, supply plant shipping standards should reflect seasonal needs of the market.

Class I utilization in the Des Moines market averaged 54 percent in 1971 and 53 percent in 1972, but there was a wide seasonal variation in the monthly Class I use percentages each year. In 1971 the proportion of producer milk used as Class I milk ranged from a low of 43.4 percent in June to a high of 61.3 percent in November. An even wider range of Class I use percentages was experienced in 1972, from 42.3 percent in June to 70.4 percent in November. During 1971 and 1972 Class I use exceeded 50 percent during each of the months of September through March.

In view of the aforementioned market conditions it is concluded that there is no apparent need to reduce the present 35 percent minimum pool supply plant shipping standard during September through March, since a majority of the milk on the market is needed at distributing plants for Class I use during such months. Also, the need for supply plant milk to be moved to distributing plants is greatest during these months of seasonally low production.

However, since the Class I utilization percentage has been below 50 percent in each of the months of April through August over the past two years, the 35 percent shipping performance level makes it somewhat more difficult during this period for supply plants to find outlets among distributing plants in the market. Although some distributing plants procure their entire milk supply from supply plants, other distributing plants receive milk both from producers and supply plants.

Because of the seasonal variation in milk production, a distributing plant operator that supplements his direct receipts of producer milk with supply plant milk would need the least volume of supply plant milk in the flush production months. The seasonal variation in the volume of supply plant milk needed would be influenced by the extent that the plant operator relies on milk received directly from producers to fulfill his milk requirements. If only a small proportion of a distributing plant's milk supply consists of producer milk, there will not be as much seasonal variation in the volume of milk purchases from supply plants as in the case of a distributing plant that obtains a majority of its supply directly from producers.

To accommodate such seasonal variation in the quantity of supply plant milk needed at distributing plants, the proposal to reduce the minimum shipping percentage to 30 percent should be adopted for the months of April through August.

Milk included in computation of performance percentage. It was proposed that a supply plant's shipments of milk to pool distributing plants be based on "net" receipts at the pool distributing plant for pooling qualification of such supply plant.

In addition proponent witness stated that milk diverted from a pool plant should be counted along with actual receipts of milk at the plant for the purpose of determining whether such plant meets the performance requirements for pooling.

A plant's performance percentage for pooling should appropriately reflect all milk associated with the plant and not be limited to milk physically received at such plant. As herein adopted, milk diverted from either a pool distributing plant or supply plant within the limits discussed elsewhere in this decision should be considered as a receipt at such plant for the purpose of computing its pool plant qualification percentage.

Diverted milk may now be pooled on the Des Moines order without being considered as part of the supply of the distributing plant from which diverted in determining the plant's qualification to pool. The order does not now provide for diversions from supply plants.

If the operator of a distributing plant diverts a quantity of milk equal to that which was actually received, as now permitted during April through August, the quantity of milk diverted would not enter into the computation of the plant's pool qualification percentage. In such case, the minimum route disposition required for pooling that plant is effectively reduced by 50 percent as compared to the volume required of a plant of equal size that diverted no milk during the month. Similarly, unless diversions are counted as a receipt of the diverting plant a supply plant's pool qualification percentage would be effectively reduced also in circumstances where milk was diverted from such plant, as proposed herein under Issue No. 3.

Since milk diverted from a plant customarily is part of such plant's milk supply, such milk should be included in the computation of the plant's pool qualification percentage to insure that only plants associated with the market in a significant and regular manner are pooled and to provide greater equity among plants in meeting pooling requirements.

In conjunction with its proposal to reduce the supply plant shipping percentage discussed earlier, the proponent cooperative also proposed that qualifying shipments from a supply plant to pool distributing plants reflect "net receipts" at distributing plants from such supply plant.

Upon inquiry as to how the concept would be carried out, no specific plan or method was offered by proponent witness to define the concept of "net receipts" under the order. In this regard, it may be that certain transfers of milk from distributing plants should be allowed for in any computation of qualifying shipments from supply plants, but the record lacks any specific guidance in this area as to what the impact would be. Accordingly, it is concluded that the proposal for computing net receipts in determining shipments for pooling qualification should not be adopted on the basis of this record.

Distributing plant pooling provisions. Distributing plant pooling provisions should be modified to credit to the transferor plant packaged fluid milk product transfers to other distributing plants for the purpose of determining the transferor plant's association with the market. Under current provisions, the route disposition of such packaged products from the transferee plant is credited to the transferee plant. As a result, the transferor plant receives no pooling credit with respect to milk custom packaged for other plants.

A proprietary handler proposed the change as adopted herein. In November 1972, proponent's plant failed to qualify as a pool plant under the provisions of the Des Moines order because it transferred to another plant packaged Class I fluid milk products that normally were credited as route disposition for the account of the transferor plant, but, for the reasons specified below, were credited as route disposition for the account of the transferee plant.

Proponent's distributing plant had been custom packaging milk for a handler who had discontinued processing milk in his own plant. The latter plant became a distribution point for the custom packaged milk and thus the milk was credited as route disposition of the plant doing the custom packaging. During November, however, milk other than the custom packaged milk was received, processed, and packaged in dispenser cans in the plant where processing had been discontinued. Consequently, the custom packaged milk became a transfer of milk to another plant rather than route disposition through a distribution point.

Custom processing and packaging of fluid milk products by distributing plants is quite common in the industry, since it enables realization of economies of large scale milk processing and packaging operations. Milk plants have tended to become fewer in number and larger in size of operations. Also some plant operators have specialized in processing only certain types of products and/or packaging milk in only a limited number of the various types and sizes of containers but by obtaining custom packaged products still offer for sale a complete line of products and containers.

A bottling plant that custom packages for other plants in the market could be primarily engaged in Class I business in the market but have only a small proportion of such business reflected in direct disposition to wholesale or retail accounts other than plants. In such case the plant's disposition under the present route disposition concept would not fully reflect the plant's association with the market. Accordingly, to better identify a distributing plant's association with the market the order should provide that packaged fluid milk products transferred to other plants be credited to the transferor plant in the determination of the proportion of a plant's milk receipts that are disposed of as Class I packaged fluid milk products in the marketing area.

Continued pool plant qualification. A proprietary handler proposed that the Des Moines order pool plant provisions be modified to provide pool status for a plant that otherwise failed to qualify as a pool plant during the month if such plant qualified as a pool plant on the basis of the applicable performance standards specified in the order during each of the three immediately preceding months.

The operator of a supply plant or distributing plant that operates close to the minimum pooling performance standards may not know until after the end of the current month whether such plant qualified as a pool plant for that month. In the event that a distributing plant loses a wholesale account during the month, it may be difficult for the plant operator, and/or the operator of any supply plant serving such distributing plant, to make the necessary adjustments needed to qualify as a pool plant without making an immediate reduction in milk procurement from producers.

Adoption of the proposal would provide time for the readjustment of milk procurement patterns, and could thereby avoid the disruptive impact of a handler's inability to pool the milk of established producers. Accordingly, it is concluded that the proposal should be adopted for such purpose. However, in the case of a supply plant, such provision should apply only in the circumstance that the pool distributing plant(s) to which milk was transferred during the prior three months qualified as a pool plant on the basis of applicable performance standards. Otherwise, the provision might encourage a supply plant operator to shift his distributing plant outlet in the market.

A plant operated by a cooperative. A proposal to permit pool plant status for any plant operated by a cooperative association if at least 30 percent of the milk of its member producers is physically received at pool distributing plants, either from such plant or directly from farms, should be denied.

Proponent urged that the proposal be adopted to facilitate its plan to establish a pool supply plant for the purpose of supplying standardized milk and skim milk to distributing plants in the market. Proponent witness stated that, although the anticipated volume of such business would not be very great, the cooperative should be given pooling performance credit for such an operation. He stated that the most efficient means of moving whole milk to market is on a direct shipment basis from farms rather than moving it through a supply plant. By permitting a cooperative supply plant to be pooled on the basis of total deliveries of member producer milk to pool distributing plants, milk not needed at distributing plants can be moved directly to such cooperative (pool) supply plant and retain pooling status under the order.

In view of the adoption elsewhere in this decision of a proposal to permit diversion of milk from supply plants, the proposal is not needed. All supply plants on the market operate as receiving stations, where milk is assembled from farms and transshipped either to pool distributing plants or to nonpool manufacturing plants. In most cases, the nonpool manufacturing plant is in the same building as the pool supply plant from which the milk is transferred. Under the diversion provisions adopted herein milk need not be received at the supply plant, but rather can be diverted as producer milk directly from the farm to the nonpool plant for manufacture.

Similarly, in the case of the plant that proponent contemplated pooling under its proposal, only that milk to be standardized or separated for transshipment to pool distributing plants need be received at the plant. When the plant operates in this manner, it may qualify under the regular shipping performance standards, since when skim milk is shipped, about 91 percent of the volume of milk received for separating would be shipped in such form and the cream obtained from separation would represent only 9 percent of the volume of receipts at the supply plant.

Moreover, since production areas for the several Federal milk orders in Iowa overlap, the granting of automatic pool plant status to a plant operated by a cooperative almost certainly would subject the Des Moines pool to carrying the reserve supplies of member producer milk that the cooperative now markets under neighboring orders. It is concluded, therefore, that no exception to the pool supply plant qualification should be provided to implement the pooling of cooperative milk.

2. *Diversion limits.* The present limitations on diversion of producer milk to a nonpool plant should be relaxed and extended to cover supply plants.

Specifically, the present diversion limit of an amount not to exceed 50 percent of physical receipts at a distributing plant in the months of September through March, and 100 percent in the months of April through August should be changed to 50 percent of a handler's total receipts of producer milk in the months of September through March, and 70 percent in the months of April through August.

A cooperative association representing a majority of the producers supplying the Des Moines market proposed that any handler be permitted to divert up to 70 percent of his supply of producer milk each month. In addition, the cooperative and a proprietary handler proposed that the order be amended to enable the diversion of milk as producer milk from a supply plant. The order now provides for the diversion of milk only from distributing plants.

The diversion privilege is primarily intended to promote efficiency in the marketing of that milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

In support of the proposal for relaxing milk diversion limits, proponent witness stated that, in addition to increased reserve supplies on the market, the milk receiving patterns among handlers in the market vary and that an increased allowance for pooling diverted milk should be provided to accommodate the operations of individual handlers. For example, one Des Moines handler supplied by the cooperative receives no milk on Wednesdays and Sundays, but takes about 25 percent of its total weekly milk supply on Tuesdays. A minimum of 45 percent of the producer milk assigned to this particular handler has to be diverted during the week for manufacturing use. Moreover, because of the significant seasonal variation in milk production, the association with a plant of sufficient milk supplies to meet its full requirements during the short production months necessarily increases the need for diversions during the flush production months.

The percentage of the market's milk supply moved to nonpool manufacturing plants has increased over the past few years because milk supplies on the market have increased substantially relative to

Class I use. Producer receipts in 1972 increased 174 million pounds over 1968, while Class I use increased only 25 million pounds. Class I utilization of producer milk was 53 percent in 1972, compared to 69 percent in 1968.

The proportion of the Des Moines market's milk supplies transferred and diverted to nonpool plants during 1972 ranged from 19.8 percent in November to 49.5 percent in June. In view of such wide seasonal variation in the proportion of the market's supply disposed of to nonpool plants, the present seasonally varied diversion limits should be continued, i.e., increased allowance for diversion during April through August compared to September through March.

During the period from September 1972 to March 1973, the monthly proportion of the market's milk supply moved to nonpool plants ranged from 19.8 percent to 45.3 percent. The present diversion limit during such months of 50 percent of that quantity physically received at pool plants (33.3 percent of total supply) is not an adequate allowance to accommodate the movement of the market's reserve supplies directly from producers' farms to nonpool plants. In only two of the seven months from September 1972 to March 1973 was less than 33.3 percent of the market's milk supply moved to nonpool plants. A diversion allowance of 50 percent of a handler's supply of producer milk should be sufficient to accommodate the efficient marketing of reserve supplies during the months of September through March, since no more than 45.3 percent of the market's milk supply was moved to nonpool plants in any of the months of September 1972 through March 1973.

During the other months, April through August, the proportion of the Des Moines market's milk supply moved to nonpool plants ranged from 41.1 percent to 49.5 percent in 1972. Increased allowance for diversion of producer milk should be provided during these months to accommodate efficient marketing of the increased supplies of milk during such period and the variation in procurement patterns among handlers. Proponent's witness stated that during the peak month of production nearly 70 percent of the milk supply now associated with one major Des Moines distributing plant is not needed by such handler.

In view of this circumstance and the revised supply plant shipping standard adopted for the months of April through August, it is appropriate that the proposed 70 percent diversion allowance be adopted for such months.

Since the present diversion provisions were adopted in 1969, several supply plants have become associated with the Des Moines market. These plants function as receiving stations where milk is assembled from farms for transshipment to pool distributing plants or to nonpool manufacturing plants. None of the supply plants have facilities for processing milk into manufactured dairy products. In most instances these supply plants are located adjacent to the nonpool manufacturing plants to which excess milk supplies are transferred. It would be more economical to move such excess milk directly from farms to the nonpool manufacturing plants rather than double handle it by first receiving it at the pool supply plants. Accordingly, it is appropriate that the proposal to permit the diversion of producer milk from supply plants be adopted.

3. *Definition of a handler.* (a) *Designation of a cooperative association as a handler on bulk tank milk.* The order should provide that a cooperative association shall be the handler for milk of producers it picks up at the farm, for the account of the association, in a tank truck operated by, or under the control of such association for delivery to a pool plant of another person, unless both the cooperative and the operator of the pool plant agree through notice filed with the market administrator that the plant operator will be responsible for payment for the milk on the basis of weight determined at the farm and butterfat tests based on samples taken at the farm. In addition, a cooperative should be the handler for all milk of producers it diverts for its account from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative association may be a bulk tank handler only with respect to that milk it causes to be diverted from a pool plant to a nonpool plant.

Two handlers, who operate pool distributing plants in Des Moines, proposed that a pool plant operator be allowed to purchase producer milk from a cooperative on some other basis than weights and tests determined at the farm. Also, they proposed that a cooperative that controls a farm bulk tank truck route be accountable for shrinkage that may occur from the farm to a pool plant.

Milk produced for the Des Moines market is handled through farm bulk tanks and moved to plants in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from other such milk. The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producers.

When milk is picked up at the farm by a truck owned or operated by a cooperative association, or by a person under contract to, or otherwise under the control of, such association for delivery to a pool plant, it is the association that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not have a direct basis of knowing the identity of the individual producers whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the association obviously must become the responsible handler for the milk as it leaves the farm.

Since pool plant operators have been accustomed to purchasing all producer milk on the basis of farm weights and tests, it can be expected that arrangements to receive milk marketed by the cooperative on the basis of farm weights and tests will continue to predominate in the market. When milk is received at the pool plant on such basis, it is accounted for as a receipt at such plant directly from producers.

Another situation arises when the pool plant operator receives milk from a cooperative on the basis of its scale weight at the plant rather than on farm weights and tests. In this event, the cooperative's monetary obligation to the pool with respect to the milk for which it is the bulk tank handler is only on any difference in the amounts of milk and butterfat as measured at the farm and those recorded at the receiving plant. This amount usually will be shrinkage in accordance with its value under the shrinkage provisions. The milk delivered to the pool plant would be treated as a transfer by the cooperative association to the pool plant operator.

The order should specify, however, that handlers shall pay a cooperative which is a handler pursuant to § 1079.12(c) at the uniform price for the milk received. It will simplify order accounting if such milk is paid for by the plant operator at the uniform price. This method of payment will facilitate any adjustment required when audit by the market administrator discloses an error such as an error in classification.

Payments into and out of the producer-settlement fund will be made directly between the regulated handler and the market administrator. This will establish directly the responsibility for accounting for milk and for its payment on the part of the handler. When settlement is made through the cooperative association, i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or out of the producer-settlement fund, an unnecessary third party is entered into the transaction. By eliminating the cooperative as an intermediary between the regulated handler and the market administrator with respect to transactions with the producer-settlement fund, problems of financial responsibility, enforcement and subsequent audit adjustments will be greatly reduced.

The order specifies also that the handler operating the pool plant pay the administrative assessment on milk purchased from a cooperative since the Act provides that such costs be borne by regulated handlers who process milk of producers. Accordingly, this would include milk received from a cooperative association pursuant to § 1079.12(c).

A cooperative association may pick up milk of nonmember producers on bulk tank routes under its control. The provisions adopted, which accommodate substantial flexibility in the arrangements under which cooperatives sell to

pool plant operators, make it possible for a cooperative to pick up on its trucks or trucks under its control the milk of nonmember producers for delivery to pool plants, and for the pool plant operator to make payment directly to such nonmember producers for their milk. Thus, the degree of responsibility the cooperative will have for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, the provision will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of such association, has contracted with the cooperative association to act as the marketing agent for his milk. In this connection, the cooperative association may collect payment from pool plant operators for a nonmember producer provided such nonmember has given the association authorization to make such collection.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act that recognizes that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

In the event the milk of a nonmember producer is diverted as producer milk from a pool plant to a nonpool plant by a cooperative association, the cooperative must be held the responsible handler with respect to such milk, unless the operator of the plant from which the milk is diverted elects by agreement with the cooperative to account for such milk. Here the cooperative performs the complete handling function and in such capacity obviously must be held to be responsible for order obligations applicable to such milk.

The potential of a cooperative to be the handler on nonmember producer milk raises the question whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember producer with those paid to its member producers. If the nonmember producer has signed a contract with the cooperative association whereby he authorizes the cooperative association to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative association, the cooperative association could pay such nonmember on the same basis as it pays its member producers.

In the absence of a written contract containing the terms set forth above, the cooperative association would be required to pay a nonmember producer, for whose milk it is the handler, not less than the uniform price announced by the market administrator for the month.

(b) For certain reporting or reference purposes, the present terms of the order refer to the operator of an unregulated supply plant, a producer-handler, and the operator of an other order plant. Such persons, however, are not listed in the handler definition. Accordingly, such persons are covered by the amended definition of handler adopted herein.

4. *Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.* The order should be amended to provide for the division of Class II shrinkage allowance between assembly and processing functions. Class II classification should be provided for: (1) butterfat dumped or disposed of for animal feed, and (2) milk destroyed or lost under extraordinary circumstances.

Shrinkage. The amount of shrinkage of producer milk that may be classified in Class II is limited to 2 percent and presently the full 2 percent applies at the plant of first receipt. No Class II shrinkage allowance applies to milk received from other pool plants.

Three handlers operating pool distributing plants proposed that, with respect to milk transferred between plants, the 2 percent shrinkage allowance in Class II be divided between the transferor and transferee plants, 0.5 percent to the transferor plant and 1.5 percent to the transferee plant. Also, in conjunction with the proposal that a cooperative association be the handler on bulk tank milk picked up in a truck under its control, it was proposed that the cooperative be allowed Class II shrinkage of 0.5 percent.

Shrinkage normally experienced varies with the type of handling involved. More loss is usually experienced in plant processing than in merely receiving milk for delivery to another plant. In recent years, several distributing plants in the Des Moines market have begun obtaining milk from pool supply plants. Appropriately, the order shrinkage provisions should reflect such specialization of milk assembly and processing functions.

With respect to delivery of milk by a cooperative association handler from farms to plants in tank trucks, a Class II shrinkage allowance of 0.5 percent of such milk is provided. Any excess shrinkage over 0.5 percent is classified as Class I. The Class II shrinkage allowance to the processing plant receiving the milk from the cooperative would be 1.5 percent. Thus, a total Class II shrinkage allowance of 2 percent is maintained for such milk from producers in the receiving and processing operations.

In the case of milk diverted from a pool plant to another plant, a shrinkage allowance in Class II of 0.5 percent would be provided the diverting handler if the operator of the plant to which the milk is diverted purchases such milk on the basis of weights and tests determined at the plant. If the milk is purchased at farm weights and tests, no shrinkage allowance would apply for the diverting handler.

When a plant operator disposes of bulk milk or skim milk by transfer to another plant, his shrinkage allowance should be reduced at the rate of 1.5 percent of the quantity transferred, since the processing function would take place at the transferee plant. In the case of cream, however, the major loss in handling is the separation process whereby the bulk cream is removed from the milk. It is appropriate, therefore, to allocate the full 2 percent shrinkage allowance allocable to the cream to the milk at the transferor plant, where the cream is separated.

The present 2 percent shrinkage allowance on milk received from other order plants (exclusive of the quantity for which Class II use was requested) should be reduced to 1.5 percent. This will provide the same shrinkage on transfers of milk between Federal order markets as herein adopted for milk moved between pool plants, since most orders now provide for the division of shrinkage between assembly and processing functions in the manner adopted above. A shrinkage allowance of 1.5 percent, rather than the present 2 percent, should be provided with respect to receipts of milk from unregulated supply plants (exclusive of the quantity for which Class II use was requested). Thus, the same percentage rate will be applied at the transferee plant to such receipts of bulk fluid milk products as is provided on supplies of pool milk and other order milk.

Butterfat dumped or disposed of for animal feed. Class II classification was proposed for butterfat in fluid milk products dumped or disposed of for animal feed. The order presently provides such classification for the skim milk portion of fluid milk products dumped or disposed of for animal feed.

The proposal should be adopted. In normal plant operations, some products, such as route returns of buttermilk, flavored milk, and homogenized milk, are often either dumped or sold for livestock feed. It is not practicable to separate out the butterfat in such products for Class I use. All such dispositions result in loss or in only a low return to the handler. Therefore, Class II classification should be provided for fluid milk products when disposed of in this manner.

Dumping, unlike other dispositions, involves no sales records that could aid in verification of the handler's disposition. Thus, advance notice to the market administrator and opportunity for verification should be required as is now provided with respect to skim milk dumped.

Milk destroyed or lost under extraordinary circumstances. Class II classification should be provided for fluid milk products destroyed or lost in an accident, as long as such quantity of product can be verified from records kept by the handler.

In cases where the accidental loss of milk can be verified, it was proposed that such disposition of milk be Class II. Proponent recenly experienced a loss of milk in a truck accident. Although the loss was included in shrinkage, since the handler had in excess of 2 percent shrinkage for the month, the amount in excess of 2 percent was classified as Class I use.

Under the present terms of the order, any milk accidentally dumped is considered to be shrinkage. In those cases where milk is accidentally dumped, it is not possible for a handler to give the market administrator prior notice. In certain circumstances, such as when milk is destroyed or lost by accident in transit between plants on a truck, the quantity of milk that was on the truck can be verified by the shipping invoice. Also, in the case of a retail or wholesale route truck accident, the amount of product on the truck at the time of the accident can be determined by using the beginning load for the day and the records of the amount delivered before the accident.

The shrinkage limits are adequate to cover the loss of milk experienced in usual milk handling and processing operations. Such limits are not likely, however, to accommodate extraordinary losses of milk. It is possible that the operator of a supply plant, cooperative association bulk tank handler, or the operator of a distributing plant could lose the entire volume of milk handled on a given day in a truck accident. Such a loss conceivably might exceed the normal volume of shrinkage experienced by such a handler during an entire month. Small volume handlers, more than likely, would have most of any such loss of milk covered as Class I shrinkage. Accordingly, Class II classification of milk destroyed or lost under extraordinary circumstances will assure similar classification of such disposition to all handlers in the market.

Milk sold to commercial food processors. It was proposed by two operators of distributing plants that surplus use classification rather than Class I classification be provided on sales of bulk fluid milk products to commercial food processors for use in food products prepared for consumption off the premises.

Classification of milk so used as Class II (in a three-use class scheme) is provided in a revised recommended decision issued August 27, 1973 (38 FR 25522). Under such recommended decision a slightly higher price (10 cents per hundredweight) would apply than under the proposed Class II use in the present two-class scheme. Since this matter is being handled in another proceeding on which final action is still pending it is concluded that no action thereon should be taken on this record.

5. *Location adjustment credit on bulk milk transferred between pool plants.* The provisions limiting the Class I location adjustment credit on bulk milk transferred between plants should be modified.

Such credit should apply to that quantity of Class I milk receipts from transferor pool plants that does not exceed an amount equivalent to 105 percent of the Class I disposition remaining at the transferee plant after the allocation of receipts of other source milk and beginning inventory less the receipts of milk directly from producers.

At present, location credits on Class I milk transferred between pool plants are limited to the quantity of Class I disposition remaining at the transferee plant after the assignment of receipts of other source milk and beginning inventory, less 95 percent of receipts of producer milk at such plant.

A proprietary operator of a pool distributing plant in Des Moines proposed that, for the purpose of determining the quantity of Class I use of the transferee pool plant that is to be allocated to receipts from transferor plants for location adjustment credit purposes, the Class I use of the transferee plant shall be allocated to producer milk received at the transferee plant and receipts from transferor pool plants, pro rata, according to the respective volumes received from individual transferor plants. This handler's witness stated that all the milk received at the transferee plant, whether directly from producers or from transferor plants, constitutes the supply of milk needed at the plant and such milk is commingled in the processing at the transferee plant. He further stated that the milk used for Class I in a plant cannot be traced back to the lots of milk received at the plant. Accordingly, he contended that the only reasonable and fair method of allocating the Class I use at such plant, for purposes of location adjustments, is by the method he proposed.

A cooperative association that operates a pool distributing plant in Des Moines proposed that a pool supply plant be credited with a location adjustment on all milk shipments to a pool distributing plant if Class I utilization of such distributing plant is at least 60 percent.

In support of its proposal, the cooperative's witness stated that the two largest pool distributing plants in the market cannot pass back full location adjustment credit on Class I milk purchased from pool supply plants, since Class I use at these plants is less than 95 percent. However, these same distributing plants, he said, could purchase milk directly from producers whose farms are in the vicinity of pool supply plants and, since the producers would receive the uniform price applicable at Des Moines (no location adjustment), the producers would be compensated for the added hauling cost of delivering their milk to Des Moines compared to the supply plant, irrespective of the use of the milk at the distributing plant. In view of the latter circumstance, the witness contended that a location adjustment should apply to all transfers to a pool distributing plant from a pool supply plant, unless the transferee plant's Class I utilization was less than 60 percent.

The proposed amendments would allow location credits on additional quantities of supply plant milk moved to distributing plants for use in Class II products.

Except in recognition of unavoidable Class II use at distributing plants there is no basis for accommodating the shipment of supply plant milk to the market's center for Class II use at producers' expense. The Class II price, which is equal to the average of prices paid for manufacturing grade milk in Minnesota and Wisconsin, will assure the disposition of milk in excess of Class I needs. Such excess can be utilized at plants in the production area.

However, it cannot be expected that pool distributing plants have 100 percent Class I use. In normal plant processing and packaging operations, some milk is lost as Class II shrinkage. In addition, distributing plants often have some fluid milk products, such as route returns, that are disposed of as livestock feed or dumped as Class II milk. Also, a plant could have inventory of fluid milk products on hand at the end of the month, a Class II classification. Such Class II milk could amount to around five percent of the Class I disposition during the month.

The order now provides that location adjustment credits on milk transferred between pool plants be based on Class I disposition at the transferee distributing plant that is in excess of 95 percent of direct receipts of producer milk. Such method of determining the amount of transferred milk on which location adjustment credit is assigned affords a margin for the unavoidable Class II use that can be attributed to receipts of milk directly from producers. However, for a distributing plant that depends mostly on supply plant milk for its Class I milk requirements little or no margin would be provided. To afford a margin of supply plant receipts sufficient to cover unavoidable Class II use at a distributing plant that obtains most or all of its milk from other plants, the limit on location adjustment credits for transferor pool plants should be based on 105 percent of Class I disposition from the transferee pool distributing plant.

The proposal to assign the location adjustment to milk received at a distributing plant from different supply plant sources by prorating the volume eligible for the adjustment in proportion to receipts from each such supply plant should not be adopted.

Since the transfer provisions provide that pool handlers may classify transferred milk on an agreed on basis without regard to plant location within the limits of utilization by the transferee plant, there exists the possibility of a conflict between the actual classification of milk and the need to protect producers from absorbing the cost of transporting plant milk in the central market for other Class I use. The conflict appropriately is avoided in the application of location adjustment credits by limiting the amount of such credit to that which would result if the Class I use at the transferee plant were fulfilled first from those supplies received directly and then from transfer involving the least transportation cost. This is provided in the existing order language and no substantive change therein is necessary. For clarification purposes, however, the order language is revised to reflect greater specificity of the computation of such location adjustment credits.

6. *Miscellaneous administrative provisions.* (a) *Producer-settlement fund reserve.* The order should be amended to authorize reducing the amount of unobligated cash retained in the producer-settlement fund.

A cash reserve is maintained in the producer-settlement fund in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve is obtained by subtracting 4 to 5 cents per hundredweight in the uniform price computation each month. Also, one-half of the unobligated cash balance in the producer-settlement fund remaining from the preceding month is included in computing the aggregate value used to determine the uniform price. The remaining one-half of the unobligated cash balance in the producer-settlement fund thus is retained each month as a reserve.

Recent experience has indicated that the reserve retained in the producer-settlement fund each month is a greater amount than is reasonably needed to cover contingencies. During the 12 months ended March 1973, the balance in the fund was at least $42,000 each month. During such period, the amount of money cleared through the fund each month ranged from $20,600 to $123,100. In most months, the reserve in the fund amounted to at least one-half of the total payment to and from the fund. Based on this experience, the order provisions should be modified to authorize the market administrator to reduce the amount of the reserve maintained in the fund.

This appropriately can be done by specifying that "at least one-half" of the unobligated balance remaining from the preceding month, rather than the present order requirement that only "one-half" of such balance, be included in the aggregate value used to determine the uniform price. Any additional money so included in the computation will accrue to producers through enhancement of the resultant uniform price.

The order provides that, if the balance in the fund is insufficient to cover payments due to all handlers from the fund, payment to such handlers shall be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments. Thus, the producer-settlement fund is operative even if the balance in the fund is insufficient to cover contingencies. There is little likelihood of the balance not being sufficient, since 4 to 5 cents per hundredweight of all milk in the pool is set aside as a balance. Moreover, the order also provides that if any handler fails to make the required payment to the producer-settlement fund for the preceding month, the milk received by such handler shall be eliminated from the computation of the uniform price.

(b) *Substitution of "regulatory agency" for "health authority".* "Regulatory agency" should be substituted for "health authority" wherever it appears in those sections of the order defining "producer," "distributing plant," "supply plant," and "pool plant." The regulatory agency approving farms and plants for production and handling of milk for fluid consumption is not always termed a health authority. In Iowa, Grade A milk inspection is under the jurisdiction of the State Secretary of Agriculture, who is required by law to delegate the inspection function to local governments if such governments have qualified personnel to do the work. About 95 percent of the inspection work in Iowa is delegated to local jurisdictions, but, in some instances, agents of the Secretary of Agriculture inspect farms and plants. Accordingly, use of "regulatory agency" provides a more meaningful description of the agencies having jurisdiction in this field.

(c) *Marketing period.* A proposed definition of "marketing period" was included in the notice of hearing. At the hearing, the proposal was abandoned by proponent and no testimony was presented concerning it. Thus, no action is taken on such proposal.

Rulings on Proposed Findings and Conclusions

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

On the record of the hearing separate motions were presented to the Administrative Law Judge that (1) no evidence be received with respect to any of the proposed amendments; and (2) that no evidence be received on proposal No. 3. The motions were denied.

In a post-hearing brief it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1079.7 is revised to read as follows:

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted regulatory agency, and which milk is (a) received at a pool plant, (b) diverted as producer milk pursuant to § 1079.14, or (c) received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c).

2. Section 1079.8 is revised to read as follows:

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

3. Section 1079.9 is revised to read as follows:

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to a duly constituted regulatory agency for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1079.10.

4. Section 1079.10 is revised to read as follows:

§ 1079.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section except as provided in §§ 1079.60 and 1079.61: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately, and is not approved by any duly constituted regulatory agency for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant:

(1) From which the volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products, other than filled milk, from other pool distributing plants, is not less than 35 percent of the combined Grade A milk received in bulk form at such plant or diverted therefrom by the plant operator or a cooperative association to a nonpool plant as producer milk; and not less than 15 percent of such receipts or an average of not less than 7000 pounds per day whichever is less, is so disposed of to such outlets in the marketing area.

(2) Qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a)(1) of this section.

(b) A supply plant:

(1) From which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent (30 percent for each of the months of April through August) of the Grade A milk received at such plant from dairy farmers and handlers described in § 1079.12(c), and diverted therefrom by the plant operator or a cooperative association as producer milk to a nonpool plant pursuant to § 1079.14: *Provided*, That if such shipments are not less than 50 percent during the immediately preceding period of September through November, such plant shall be a pool plant during each of the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March through June to be designated a nonpool plant for such month and for each subsequent month through June of the same year; or

(2) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (b)(1) of this section with respect to shipment to plants qualified pursuant to paragraph (a)(1) of this section.

5. Section 1079.12 is revised to read as follows:

§ 1079.12 Handler.

"Handler" means:

(a) Any person as the operator of one or more pool plants;

(b) Any cooperative association with respect to milk of producers it diverts from a pool plant to a nonpool plant pursuant to § 1079.14;

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant operated by another person, unless both the cooperative association and the operator of the pool plant notify the market administrator that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the qualified handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined as a producer-handler;

(f) Any person in his capacity as the operator of an other order plant described in § 1079.61; and

(g) Any person in his capacity as the operator of an unregulated supply plant.

6. Section 1079.14 is revised to read as follows:

§ 1079.14 Producer milk.

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer;

(b) Received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c); or

(c) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section unless during the month at least one delivery is made to a pool plant;

(3) A cooperative association may divert the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(4) of this section). The total quantity of milk so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk for which the cooperative is the handler pursuant to § 1079.12(c) and producer milk which the association causes to be delivered to pool plants, or diverted therefrom during the month;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(3) of this section). The total quantity so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk received at or diverted from such pool plant from producers and for which the operator of such plant is the handler during the month;

(5) Any milk diverted in excess of the limits prescribed pursuant to paragraph (b)(3) and (4) of this section shall not be producer milk and, if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk; and

(6) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted by a cooperative association from the pool plant of another handler shall not be producer milk.

7. Section 1079.30 is revised to read as follows:

§ 1079.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantity of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.12(c);

(3) Receipts of fluid milk products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products; and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim

milk in route disposition of fluid milk products in the marketing area.

(c) Each handler described in § 1079.12(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to a handler described in § 1079.12(b), the plant from which such milk is diverted.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

8. Section 1079.41 is revised to read as follows:

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As otherwise provided in paragraph (b) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form;

(3) In fluid milk products that are disposed of by a handler for animal feed;

(4) In fluid milk products that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) in fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included in Class I milk pursuant to paragraph (a)(1)(i) of this section; and

(7) In shrinkage assigned pursuant to § 1079.42(a) to receipts specified in § 1079.42(a)(2) and in shrinkage specified in § 1079.42(b) and (c).

9. Section 1079.42 is revised to read as follows:

§ 1079.42 Shrinkage.

For purposes of classifying all skim milk and butterfat, to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.12(c);

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products (except cream) received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk (except cream) transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.12 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

10. In Section 1079.44 the preamble of paragraph (a) is revised as follows:

§ 1079.44 Transfers.

* * * * *

(a) As Class I milk if transferred from a pool plant or by a cooperative association as a handler pursuant to § 1079.12 (c) to a pool plant, unless Class II utilization is requested by the transferee and transferor handlers, subject to the following conditions:

* * * * *

11. Section 1079.45 is revised as follows:

§ 1079.45 Computation of the skim milk and butterfat in each class.

(a) Each month the market administrator shall correct for mathematical and other obvious errors, the reports filed pursuant to § 1079.30 and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1079.12(b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

12. In § 1079.46 the introductory portion and paragraph (a)(9) are revised as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1079.12(b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1079.12(c) at each pool plant for each handler as follows:

(a) * * *

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

* * * * *

13. Section 1079.52 is revised as follows:

§ 1079.52 Plant location adjustments for handlers.

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) at a plant located outside the marketing area, and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I milk

without movement in bulk form to a pool distributing plant and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents, and shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant, the transferor plant Class I location adjustment credit shall be determined by the market administrator as follows:

(1) Determine the pounds of skim milk and butterfat represented by 105 percent of the Class I disposition remaining at the transferee plant after assignments pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b);

(2) Subtract the pounds of skim milk and butterfat in receipts at the transferee plant from producers and cooperative associations pursuant to § 1079.12(c);

(3) Assign such remaining pounds to the receipts from transferor plants, first to the transferor plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply;

(4) Compute the sum of location adjustment credits to be made available to transferor plants by multiplying the hundredweight of skim milk and butterfat assigned at each plant pursuant to paragraph (b)(3) of this section by the applicable location adjustment rate for each such plant and add the resulting amounts;

(5) For each hundredweight of skim milk and butterfat assigned pursuant to paragraph (b)(3) of this section that is transferred as Class I milk, credit each such transferor handler at the location adjustment rate applicable at the plant location;

(6) Subtract the total amount of the credits made pursuant to paragraph (b)(5) of this section from the sum computed pursuant to paragraph (b)(4) of this section and credit any such remaining amount to receipts of Class I milk from other transferor pool plants at the rate per hundredweight of the amount of the location adjustment applicable at each such transferor plant in sequence beginning with the plant at which the least location adjustment rate would apply; and

(7) If such credits to be assigned at any specific rate for a specific volume of skim milk or butterfat are less than the volume of transfers from plants in the same location adjustment zone, such credits shall be prorated to the volume of Class I transfers received from such plants.

14. In § 1079.70 the preamble and paragraph (a) are revised as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to §1079.12 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1079.12(c) and allocated pursuant to § 1079.46(a)(9) and the corresponding step of § 1079.46(b) and the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

* * * * *

15. In § 1079.71, paragraph (d) is revised as follows:

§ 1079.71 Computation of aggregate value used to determine uniform price.

* * * * *

(d) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund.

16. In § 1079.80 the introductory portions of pargaraphs (a) and (b) are revised and a new pargaraph (d) is added to read as follows:

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraphs (b) and (d) of this section as follows: * * *

(b) Each handler shall make payment to a cooperative association for producer milk it causes to be delivered to such handler, which association the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows: * * *

* * * * *

(d) Each handler in his capactiy as the operator of a pool plant, who receives milk for which a cooperative association is the handler purusant to § 1079.12(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price adjusted by applicable butterfat and location adjustments, and less the payment made pursuant to paragraph (d)(1) of this section.

17. In § 1079.84 paragraph (b)(1) is revised as follows:

§ 1079.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1079.12(c) at the applicable uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81 and 1079.82, less in the case of a cooperative association on milk for which it is the handler pursuant to § 1079.12(c), the amount due from other handlers pursuant to § 1079.80(d); and

* * * * *

18. Section 1079.88 is revised as follows:

§ 1079.88 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuand to § 1079.12(c)) shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk and milk received from a cooperative association pursuant to § 1079.12(c);

(b) Other source milk allocated to Class I pursuant to § 1079.46(a)(3) and (7) and the corresponding steps of § 1079.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on February 22, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-4620 Filed 2-26-74;8:45 am]

[7 CFR Part 1096]

MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Northern Louisiana marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before March 6, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are all of §1096.51(b) except as follows:

Class II milk price. The Class II milk price shall be the basic formula price computed pursuant to § 1096.50.

The proposed suspension, which was requested by cooperative associations representing a majority of the producers in the market, would result in establishing the Minnesota-Wisconsin manufacturing milk price as the Class II price under the order. The Class II price is now the lesser of the Minnesota-Wisconsin price or a butter-powder (nonfat dry milk) formula price.

Proponents claim that the butter-powder formula price, which in recent months has been the applicable Class II price under the order, does not reflect the actual value of Class II milk in the Northern Louisiana market and the applicable Class II price should be the Minnesota-Wisconsin price. Proponents also claim that on December 1, 1973, the Louisiana State Milk Commission, under the State's pricing regulations, began pricing surplus milk at the Minnesota-Wisconsin price. Proponents state that the requested suspension would make the State and Federal regulations more uniform with respect to the pricing of surplus milk.

Signed at Washington, D.C. on February 22, 1974.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[FR Doc.74-4619 Filed 2-26-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 29, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public instrument approach procedure has been developed for the Macomb Municipal Airport, Macomb, Illinois. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Macomb, Illinois transition area to adequately protect the aircraft executing the new approach procedure.

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

In § 71.181 (39 FR 440), the following transition area is amended to read:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Macomb Municipal Airport (latitude 40°31'11" N.; longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from Macomb Municipal Airport extending from the 6 mile radius area to 8 miles east of the airport.

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

Issued in Des Plaines, Illinois on January 31, 1974.

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

[FR Doc.74-4615 Filed 2-26-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-WE-2]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 126 between Avenal, Calif., and Stockton, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 29, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the present dogleg route between Avenal, Calif., and Stockton, Calif., to a direct route, thereby reducing the jet route distance between these two locations.

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

Issued in Washington, D.C., on February 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Traffic Rules Division.

[FR Doc.74-4616 Filed 2-26-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-2; Notice 1]

NEW PNEUMATIC TIRES FOR PASSENGER CARS

Proposed Revision of Tire Endurance Test; Correction

In FR Doc. 74-3062, appearing at page 4670 in the issue of February 6, 1974, as a correction to FR Doc. 74-795 (39 FR 1516; January 10, 1974), the percentage of test load listed at the top of the second "4-hour" column should be changed from "111" to read "115."

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

Issued on February 21, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-4516 Filed 2-26-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

OREGON

Miscellaneous Amendments to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, the State of Oregon plan for implementation of the national ambient air quality standards.

On January 17, 1974, the Department of Environmental Quality submitted amendments to the Oregon implementation plan for dissolution of the air quality control program of the Columbia-

Willamette Air Pollution Authority. Also submitted were special Department air pollution control rules applicable to the areas of Clackamas, Columbia, Multnomah and Washington Counties, including portions of the rules of the former Columbia-Willamette Air Pollution Authority pertaining to emission standards, open burning and prohibited practices.

Copies of the proposed revisions are available for public inspection during normal business hours at EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; Oregon State Department of Environmental Quality, 1234 S.W. Morrison Street, Portland, Oregon 97205; EPA, 1234 S.W. Morrison Street, Portland, Oregon 97205; Lane Regional Air Pollution Authority, 16 Oak Way Mall, Eugene, Oregon 97401; and 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 comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; Attention: J. Akins. Relevant comments received on or before March 29, 1974, will be considered and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended 42 U.S.C. 1857c-5(a).

Dated: February 21, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-4518 Filed 2-26-74;8:45 am]

[40 CFR Part 52]

WASHINGTON

Proposed Compliance Schedules for Certain Sources

On May 31, 1973 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, "A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington." The implementation plan is required to contain certain compliance schedules.

On January 25, 1974, the State of Washington Department of Ecology submitted compliance schedules for the sources identified below. The compliance schedules for individual sources are listed by the respective control agency.

(1) Department of Ecology:
- Lincoln Mill Corporation, Lincoln (amendment).
- Vaagen Bros. Lumber Co., Colville (amendment).
- Jump Off Lumber Co., Valley (amendment).
- Lehigh Cement Co., Metaline Falls (amendment).
- Boise Cascade Corporation, Veneer dryer, Kettle Falls.
- Morrill Asphalt Paving Co., Malaga.
- Les Peak Paving Co., Colville.
- Boise Cascade Corporation, Wigwam burner, Kettle Falls.

(2) Puget Sound Air Pollution Control Agency:
- Craftsman & Met Press Co., Seattle (change).
- Fick Foundry Co., Tacoma (change).
- Pierce County, Purdy Refuse Site.
- St. Joesph's Hospital and Health Care Center, Tacoma.
- St. Regis Paper Co., Saw Mill Division, Tacoma (change).
- City of Seattle, Department of Lighting, Lake Union Steam Plant, Seattle.
- Port of Tacoma and United Grain Corp., Tacoma.
- Weyerhaeuser Co., Mill B., Everett.
- Weyerhaeuser Co., Sulfit mill hog fuel boilers, Everett.
- Weyerhaeuser Co., Hog fuel boiler, Snoqualmie.
- Weyerhaeuser Co., Veneer dryers, Snoqualmie (change).
- Weyerhaeuser Co., White River mill hog fuel boilers, Enumclaw.

(3) Olympic Air Pollution Control Authority:
- Pacific County, Dumps.
- Elma Disposal Co., Disposal site, Elma.
- Eastern Grays Harbor Disposal Co., Disposal site, McCleary.
- City of Hoquiam, Dump, Hoquiam.
- Crown Zellerbach Corp., Port Townsend.
- ITT Rayonier, Inc., Sulfite mill—power boilers, Port Angeles.
- A. E. Erickson Enterprises, Inc., Amanda Park.

(4) Southwest Air Pollution Control Authority:
- International Paper Co., Chelatchie Prairie, Amboy.
- Centralia Plywood Corp., Centralia.

(5) Northwest Air Pollution Authority:
- Chris Knutzen and Co., Burlington (change).

Copies of the proposed revisions are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; at the Department of Ecology, St. Martin's College, Olympia, Washington 98504; and at the Freedom of Information Center, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: J. Akins. Relevant comments received on or before March 29, 1974 will be considered and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended 42 U.S.C. 1857-5(a).

Dated: February 21, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-4517 Filed 2-26-74;8:45 am]

[40 CFR Part 200]

[Docket No. ONAC 74-1]

NOISE EMISSION STANDARDS FOR NEW PRODUCTS

New Portable Air Compressors

Pursuant to the authority contained in sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Pub. L. 92-574, hereinafter referred to as the Act), the Environmental Protection Agency (EPA) plans to set noise emission standards for newly manufactured products. This notice is issued in order to invite public participation in the development of standards which may be established for new portable air compressors.

Background. The overall purpose of the Act is to provide an environment for all Americans free from noise that jeopardizes their health and welfare. The Act confers the statutory authority to EPA to use the mechanisms of noise emission standards to achieve this objective (sections 5(b) and 6).

Basis for this notice. Section 5(b) of the Noise Control Act of 1972 requires EPA, after consultation with appropriate Federal agencies, to compile and publish a report or series of reports (1) identifying products or classes of products which, in the Administrator's judgment are major sources of noise and (2) giving information on control technology, costs and alternative methods of noise control. The first report shall be published by April 27, 1974 in the FEDERAL REGISTER.

Section 6(a) requires EPA to issue noise regulations for products which meet certain requirements. Any regulation issued under section 6(a) must include a noise emission standard. Section 6(c) states that the standard "shall be a standard which in the Administrator's judgment, based on criteria issued under section 5, is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such products (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance." The Administrator is also required to consider standards under other laws designed to safeguard the public health and welfare. Specifically, the Administrator must consider standards issued under the National Traffic and Motor Vehicle Safety Act of 1966, the Clean Air Act of 1970, and the Federal Water Pollution Control Act of 1970.

In addition, any regulation under section 6(a) may contain testing procedures necessary to assure compliance with the emission standards and may contain provision respecting manufacturers instructions for maintenance use and repair of the products.

Under section 4 of the Act the EPA is required to coordinate the programs of all Federal agencies relating to noise research and noise control. Section 4 also requires that Federal agencies furnish to EPA, upon request, information on the nature, scope, and results of noise research and noise control programs. This notice requests that all Federal agencies

inform EPA of their present and planned programs that relate to these Noise Control Act sections 5 and 6 activities.

Portable air compressors. EPA presently is gathering noise profiles, technology, costs, and other relevant data on portable air compressors. Inputs from industry, trade groups, State and local governments as well as interested citizens and citizen groups are invited. Interested individuals and groups can participate by submitting such written data, views, or arguments as they may desire. Any information or data which addresses any or all of the following topics and any other relevant data on noise emissions from portable air compressors or their public health and welfare effects would be useful in this EPA activity.

SUGGESTED AREAS OF INFORMATION USEFUL TO EPA

1. Data on current noise levels of in-use and newly manufactured foreign and domestic portable air compressors and the test procedures and methodologies used in the collection of the data.
2. Information regarding the currently available noise abatement technology utilized in foreign and domestic portable air compressors. Specifically, what hardware and techniques are employed for the purpose of reducing the noise emissions?
3. With respect to item #2 above, was noise reduction a specific part of the design criteria used? If so, approximately what fraction of the total design effort and what cost and time was involved in noise reduction.
4. Information concerning additional noise reduction which could be achieved utilizing other available, but heretofore unused, technology. The unused technology may encompass those items which are not now economically feasible to incorporate or those which are not considered completely reliable.
5. Information concerning current research and development efforts which are underway both in the United States and abroad to further reduce noise from portable air compressors.
6. Estimates of the time required to place state-of-the-art technology into production.
7. Discussion of the impact which present international, Federal or local noise regulations have had on the industry.
8. Information on products where noise control measures have already been taken, including the increase in cost (both manufacturing costs and costs to consumer) which has occurred as a result of reducing the noise emissions.
9. Information on the number and type of portable air compressors which are now in service and are sold in a given period of time.
10. Information concerning the effects upon portable air compressor performance which have been observed as a result of noise control measures. Comments are desired regarding performance parameters, including fuel consumption, on which noise regulations may have an effect.
11. Discussion of problems which have arisen as a result of efforts taken to quiet portable air compressors. Points of interest here involve changes in the marketability of the item, the use of unreliable noise control practices, the changes in the maintainability or cost of maintenance of a portable air compressor.
12. Information on typical duty cycles and uses for portable air compressors. Encompassed by this question are hours of operation during a period of time (year, season, day, etc.), mode of operation, or type of use.
13. Discussion of recommended methods for classifying portable air compressors. Where applicable, engine size, weight limits, volume capacities or other parameters should be used in describing the classification scheme.
14. Information concerning noise induced health and welfare effects which has been linked to the use of portable air compressors.
15. Data on who manufactures, distributes, sells, and uses portable air compressors and, in general, what percentage of the market they have.
16. Information on the types of activities in which portable air compressors are utilized and their contributions to the total noise associated with these activities.
17. Information concerning the number of portable air compressors which are used at any one time in these activities.
18. Information concerning international, Federal, State and local laws which are planned or are in effect regarding noise emitted from portable air compressors and the rationale for these regulations.
19. Discussion of the effect on the national energy situation of setting noise emission limits on portable air compressors.
20. Description, including cost of performance, of the noise measurement methodology that may be used to determine compliance of the identified product with an applicable emission standard.
21. Information concerning the application of a compliance measurement methodology to all or a representative sample of manufactured products on the production line.
22. Information concerning the feasibility of categorizing product models or configurations according to their noise emission characteristics.
23. Information concerning the feasibility of establishing a useful life (or a period in which a product's noise emission performance may be preserved at or below the standard level with appropriate maintenance) for the identified products.

Communications should identify the docket number and be submitted with 5 copies to the Office of Noise Abatement and Control, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460. To be effectively considered, comments on this ANPRM should be received at this Environmental Protection Agency address on or before March 29, 1974.

This advance notice of proposed rule making is issued under the authority of sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92–574).

JOHN QUARLES,
Acting Administrator.

FEBRUARY 22, 1974.

[FR Doc.74–4625 Filed 2–26–74;8:45 am]

[40 CFR Part 200]

[Docket No. ONAC 74–2]

NOISE EMISSION STANDARDS FOR NEW PRODUCTS

New Medium and Heavy Duty Trucks

Pursuant to the authority contained in sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Pub. L. 92–574, hereinafter referred to as the Act), the Environmental Protection Agency (EPA) plans to set noise emission standards for newly manufactured products. This notice is issued in order to invite early public participation in the development of standards which may be established for new medium and heavy duty trucks.

Background. The overall purpose of the Act is to provide an environment for all Americans free from noise that jeopardizes their health and welfare. The Act confers the statutory authority to EPA to use the mechanisms of noise emission standards to achieve this objective (sections 5(b) and 6).

Basis for this notice. Section 5(b) of the Noise Control Act of 1972 requires EPA, after consultation with appropriate Federal agencies, to compile and publish a report or series of reports (1) identifying products or classes of products which, in the Administrator's judgment are major sources of noise and (2) giving information on control technology, costs and alternative methods of noise control. The first report shall be published by April 27, 1974, in the FEDERAL REGISTER.

Subsection 6(a) requires EPA to issue noise regulations for products which meet certain requirements. Any regulation issued under section 6(a) must include a noise emission standard. Section 6(c) states that the standard "shall be a standard which in the Administrator's judgment, based on criteria issued under section 5, is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance." The Administrator is also required to consider standards under other laws designed to safeguard the public health and welfare. Specifically, the Administrator must consider standards issued under the National Traffic and Motor Vehicle Safety Act of 1966, the Clean Air Act of 1970, and the Federal Water Pollution Control Act of 1970.

In addition, any regulation under section 6(a) may contain testing procedures necessary to assure compliance with the emission standards and may contain provision respecting manufacturers instructions for maintenance use and repair of the product.

Under section 4 of the Act the EPA is required to coordinate the programs of all Federal agencies relating to noise research and noise control. Section 4 also requires that Federal agencies furnish to EPA, upon request, information on the nature, scope, and result of noise research and noise control programs. This notice requests that all Federal agencies inform EPA of their present and planned programs that relate to these Noise Control Act sections 5 and 6 activities.

Trucks. EPA presently is gathering noise profiles, technology, cost, and other relevant data on trucks. Inputs from industry, trade groups, State and local governments as well as interested citizens and citizen groups are invited. Interested individuals and groups can participate by submitting such written data, views, or arguments as they may desire. Any information or data which addresses any or all of the following topics and any

other relevant data on noise emissions from trucks or their public health and welfare effects would be useful in this EPA activity.

SUGGESTED AREAS OF INFORMATION USEFUL TO EPA

1. Data on current noise levels of in-use and newly manufactured foreign and domestic trucks and the test procedures and methodologies used in the collection of the data.

2. Information regarding the currently available noise abatement technology utilized in foreign and domestic trucks. Specifically, what hardware and techniques are employed for the purpose of reducing the noise emissions?

3. With respect to item #2 above, was noise control a specific part of the design criteria used? If so, approximately what fraction of the total design effort and what cost and time was involved in noise control?

4. Information concerning additional noise reduction which could be achieved utilizing other available, but heretofore unused, technology. The unused technology may encompass those items which are not now economically feasible to incorporate or those which are not considered completely reliable.

5. Information concerning current research and development efforts which are underway both in the United States and abroad to further reduce noise from trucks.

6. Estimates of the time required to place state-of-the-art technology into production.

7. Discussion of the impact which present international, Federal or local noise regulations have had on the industry.

8. Information on products where noise control measures have already been taken, including the increase cost (both manufacturing costs and costs to consumer) which has occurred as a result of reducing the noise emissions.

9. Information on the number and type of trucks which are now in service and are sold in a given period of time.

10. Information concerning the effects upon truck performance which have been observed as a result of noise control measures. For example, effects on fuel consumption and driveability. Comments are desired regarding other performance parameters on which noise regulations may have an effect.

11. Discussion of problems which have arisen as a result of efforts taken to quiet trucks. Points of interest here involve changes in the marketability of the item, the use of unreliable noise control practices, and changes in the maintainability or cost of maintenance of a truck.

12. Information on typical duty cycles and uses for trucks. Encompassed by this question are hours of operation during a period of time (year, season, day, etc.), mode of operation, or type of use.

13. Discussion of recommended methods for classifying trucks. For example, weight, engine size, volume capabilities or other parameters.

14. Information concerning noise induced health and welfare effects which have been linked to the use of trucks.

15. Data on who manufactures, distributes, sells, and uses trucks and, in general, what percentage of the market do they have.

16. Information on the types of activities in which trucks are utilized and their contributions to the total noise associated with these activities.

17. Information concerning the number of trucks which are used at any one time in these activities.

18. Information concerning international, Federal, State, and local laws which are planned or are in effect regarding noise emitted from trucks and the rationale for these regulations.

19. Discussion of the effect on the national energy situation of setting noise emission limits on trucks.

20. Information on dynamic and stationary test procedures, including test data and correlations between the two.

21. Information on the correlation between various truck noise measurements and methodologies and their community noise impact.

22. Description, including cost of performance, of the noise measurement methodology that may be used to determine compliance of the identified product with an applicable emission standard.

23. Information concerning the application of a compliance measurement methodology to all or a representative sample of manufactured products on the production line.

24. Information concerning the feasibility of categorizing product models or configurations according to their noise emission characteristics.

25. Information concerning the feasibility of establishing a useful life (or a period in which a product's noise emission performance may be preserved at or below the standard level with appropriate maintenance) for the identified products.

Communications should identify the docket number and be submitted with 5 copies to the Office of Noise Abatement and Control, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460. To be effectively considered, comments on this ANPRM should be received at this Environmental Protection Agency address on or before March 29, 1974.

This advance notice of proposed rule making is issued under the authority of sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92-574).

JOHN QUARLES,
Acting Administrator.

FEBRUARY 22, 1974.

[FR Doc.74-4626 Filed 2-26-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19902]

DAYTIME AM BROADCAST STATIONS

Advancement in Sign-on Times; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-round Daylight Saving Time.

1. On December 18, 1973, the Commission adopted a notice of inquiry and proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER January 4, 1974, 39 FR 1075. The dates for filing comments and reply comments are presently February 20 and March 22, 1974, respectively.

2. On February 11, 1974, Clear Channel Broadcasting Service (CCBS), by its attorneys, requested that the time for filing comments be extended to and including March 25, 1974. Counsel states that CCBS and its members are engaged in preparing a detailed engineering evaluation of the effects of the new interference and in order to complete the substantial amount of work involved in the engineering studies and prepare meaningful comments on the data, an additional month will be needed.

3. On February 15, 1974, The U.S. Transdynamics Corporation (U.S. Transdynamics), licensee of Station WAVA, Arlington, Virginia filed an opposition to the CCBS request that the time for filing comments be extended. U.S. Transdynamics, bases its opposition on the following issues: CCBS has made insufficient showing pursuant to Section 1.46 of the Commission's Rules; U.S. Transdynamics, working alone, has also undertaken extensive studies and questions why CCBS, a large association, can not do its work in a like period; if the CCBS request is granted there will be no possibility of relief for stations like WAVA prior to April and their Class II stations will be put to a disadvantage in planning program schedules for the fall of 1974.

4. By letter dated February 19, 1974, counsel for the Association for Broadcast Engineering Standards (ABES) expressed its support for the request by CCBS for additional time in which to file comments and reply comments in Docket 19902. ABES believes that CCBS has demonstrated good cause for the extension in dates which it seeks, and states further, that it has asked its Technical Committee to study the instant proposal in light of the skywave measurement data which ABES submitted in Docket 14419, and incorporate the results of that study in Docket 19902. Therefore ABES requests that the full extension requested by CCBS be granted.

5. We are of the view that CCBS has made adequate showing pursuant to Section 1.46 of the Commission's Rules and that in view of the seriousness of this matter the public interest would be served by extending the time in this proceeding. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including March 25 and April 26, 1974, respectively.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: February 19, 1974.

Released: February 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-4579 Filed 2-26-74;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 TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE NINTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Ninth National Bank Region will be held at 11:30 A.M. on March 22, 1974, at the Holiday Inn Central, 1313 Nicollet Avenue, Minneapolis, Minnesota.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Ninth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the Act (Public Law 92–463) relating to open meetings and public participation therein.

Dated: February 21, 1974.

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

[FR Doc.74-4551 Filed 2-26-74;8:45 am]

Office of the Secretary

OFFICE OF REVENUE SHARING

Procedure for Improvement of Entitlement Data

The data used by the Office of Revenue Sharing in calculating revenue sharing allocations for units of local governments pursuant to the State and Local Fiscal Assistance Act of 1972 (Public Law 92–512, 31 U.S.C. Chapter 24) for the fifth entitlement period (July 1, 1974 through June 30, 1975) have been provided to each recipient government. Collective data for all of the units of local governments will be available in final form from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, on May 15, 1974.

These data have been compiled by the Bureau of the Census and definitions of each data element are provided in this notice if recipient governments believe that there are errors in this data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and provide evidence and documentation justifying the basis for their view. This may be accomplished by returning the form (Form 3233) provided to each recipient government together with full justification to support proposed corrections of data. The form and justification must be received by the Office of Revenue Sharing on or before March 22, 1974. If the Office of Revenue Sharing has not been advised, in writing, of proposed corrections of data on or before March 22, 1974, the data elements published will be determined to be correct and, as such, will constitute a final determination by the Department of the Treasury. All data elements which were the subject of an earlier data appeal procedure, or which were the result of such procedure, are not eligible for further review under this procedure since a final determination with respect to them has been made by the Department.

Upon receipt of any written response from recipient governments the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census to substantiate or correct all data questioned and advise the recipient governments of its findings. Those findings will constitute a final determination of the recipient government's revenue sharing data elements.

In order to assure equitable treatment of each recipient, the books will be kept open until all evidence and documentation received on or before March 22, 1974, have been reviewed, and data determined to be erroneous have been corrected.

There is one instance in which the Office of Revenue Sharing has determined that the Census data may not provide for equitable allocations. For cities and towns of under 500 in population, the per capita income is subject to substantial statistical error, and the Office has, therefore, determined that it will use the per capita income of the county area in which such unit of government is located as an estimate of the per capita income of that unit.

[SEAL] JOHN K. PARKER,
Deputy Director,
Office of Revenue Sharing.

I. *Population.* The population of a unit of local government for revenue sharing purposes is the resident population as of April 1, 1970, as determined by the Bureau of the Census in the 1970 Census of Population and Housing. Where the 1970 Census of Population count was corrected or developed by the Bureau of the Census subsequent to tabulating the count appearing in Census publications or as a result of a qualifying boundary change after January 1, 1970, such revised population count is indicated with an asterisk on data forms issued to each recipient government by the Office of Revenue Sharing in its continuing data improvement program.

The 1970 Census was conducted primarily through self-enumeration. Each person enumerated in the 1970 Census was counted as an inhabitant of his usual place of residence. This means the place where he lives and sleeps most of the time, not necessarily his legal residence or voting residence. Members of the Armed Forces living on military installations were counted as residents of the area in which the installation was located. Members of the Armed Forces not living on a military installation were counted as residents of the area in which they were living. Crews of most U.S. Naval vessels were counted as residents of the home port to which the particular vessel was assigned. College students were counted as residents of the area in which they were living while attending college. Inmates of institutions were counted as residents of the area where the institution was located. Persons without a usual place of residence were counted where they were enumerated.

The population data used for all revenue sharing entitlements to date is as of April 1, 1970.

The population is related to boundaries of geographic areas existing as of December 31, 1973 (includes new incorporations and qualifying annexations, i.e., annexations made by places with a 1970 population of at least 5,000 and for which the annexed areas include population equal to 5 percent or more of the annexing government's population).

II. *Per capita income.* The per capita income is the mean, or "average" income of all persons in a given political jurisdiction government, as defined by the 1970 Census. Unlike the population, in which everyone was counted, the average per capita income was measured through a questionnaire which went to only 20% of the households on a systematic sampling basis. Since this method of measurement produces unrealiable results for small places, the Office of Revenue Sharing has estimated the per capita income for cities and towns with fewer than 500 persons to be the same as that of the county in which the place is located.

Per capita income was computed from calendar year 1969 money income data which were collected during the 1970 Census. Total money income is the sum of:

(1) Wage or salary income.
(2) Net nonfarm self-employment income.
(3) Net farm self-employement income.
(4) Social Security or railroad retirement income.
(5) Public assistance income.
(6) All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc. The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

III. *Adjusted taxes.* The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1973, are the total taxes of the unit of government in Fiscal Year 1973 (that government's 12-month accounting period that ended between July 1, 1972 and June 30, 1973) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1973 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1973. Total general purpose taxes include:

1. Property taxes—county, municipal or township taxes levied on the value of real or personal property.

2. Sales taxes—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold:

Sales taxes are of two types:
(a) General sales or gross receipts tax.
(b) Selective sales or gross receipts tax.

Examples of selective sales taxes are:
(i) Gasoline tax
(ii) Liquor tax
(iii) Cigarette and tobacco tax
(iv) Public utilities excise tax
(v) Amusement tax
(vi) Hotel and motel room occupancy and meals tax.

3. *License, permits and other taxes*—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:
(a) Alcoholic beverage licenses.
(b) Business privilege licenses.
(c) Motor vehicle and operators licenses.
(d) Hunting and fishing licenses
(e) Marriage licenses
(f) Inspection fees charged in connection with the granting or renewal of a license

Examples of permits are:
(a) Building permits
(b) Permits for a business or nonbusiness privilege

Examples of other taxes are:
(a) Income, payroll or earnings tax
(b) Mortgage transfer and recordation tax
(c) Severance taxes
(d) Fee retained by the government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent locally imposed portion will be State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as governmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) for education purposes is taken to be the amount of tax revenues allocable to expenses for education.

IV. *Intergovernmental Transfers of Revenue.* Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1973 (the government's 12-month accounting period that ended between July 1, 1972 and June 30, 1973) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of Census in 1973. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property or commodity or utility services to other governments or Federal revenue sharing entitlement funds.

[FR Doc.74-4617 Filed 2-22-74;4:24 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale #33; Bid Submission and Procedures

Correction

In FR Doc. 74-4525, appearing at page 7209, in the issue for Monday, February 25, 1974, in the chart in the middle column of page 7211 headed "Official leasing map, Garden Banks, NG-15-2 (Approved Feb. 15, 1973)", the 20th entry now reading "33-193—N649 E121—All—3472.91", should be deleted.

Fish and Wildlife Service

Bureau of Sport Fisheries and Wildlife

BIG LAKE 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 (P.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 April 16, 1974, in the Elementary School Gymnasium, Manila, Arkansas, 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 Big Lake Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Big Lake National Wildlife Refuge, which is located in Mississippi County, Arkansas.

A study summary containing a map and information on the Big Lake Proposal may be obtained from the Refuge Manager, Big Lake National Wildlife Refuge, Box 67, Manila, Arkansas 72442 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N. E. 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 May 16, 1974.

F. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 21, 1974.

[FR Doc.74-4560 Filed 2-26-74;8:45 am]

NOXUBEE NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.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 29, 1974, Dorman Hall Auditorium, Mississippi State University, Starkville, Mississippi, 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 Noxubee Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Noxubee National Wildlife Refuge, which is located in Winston, Noxubee, and Oktibbeha Counties, Mississippi.

A study summary containing a map and information on the Noxubee Wilderness Proposal may be obtained from the Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Brooksville, Mississippi 39739 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 29, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 21, 1974.

[FR Doc.74-4559 Filed 2-26-74;8:45 am]

Office of the Secretary

[INT DES 74-13]

BIG BUTTE AREA OF MENDOCINO AND TRINITY COUNTIES, CALIFORNIA; TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for a proposed timber sale in Mendocino and Trinity Counties, California and invites your written comments within 45 days of this notice.

The proposal involves construction of an access road, logging of old growth timber, and provision of public access into approximately 10,000 acres of public land.

Copies are available for inspection at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, telephone: (202) 343-5717.

California State Office, Bureau of Land Management, Federal Building, 2800 Cottage Way, Sacramento, California 95825, telephone: (916) 484-4724.

Ukiah District Office, Bureau of Land Management, 168 Washington Avenue, Ukiah, California 95482, telephone: (707) 462-8891.

Redding District Office, Bureau of Land Management, 2460 Athens Avenue, Redding California 96001, telephone: (916) 246-5325, Ext. 352.

A limited number of single copies are available and may be obtained from the Office of Information, Bureau of Land Management or the California State Director. Otherwise copies may be obtained for $1.00 each by writing the Director (130), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated: February 20, 1974.

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

[FR Doc.74-4561 Filed 2-26-74;8:45 am]

[INT DES 74-16]

CHEMEHUEVI SHORELINE, CALIF.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a Draft Environmental Statement for a Proposed Secretarial Order for the Resolution of Title to the Chemehuevi Shoreline, California.

The Environmental Statement considers human and physical environmental affects associated with the proposed action by the Secretary of the Interior to recognize and/or establish equitable fee title to certain lands riparian to Lake Havasu, San Bernadino County, California, in the Chemehuevi Tribe of Indians. Written comments are invited within forty-five (45) days of this notice.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs
Division of Trust Facilitation
Room 3042
Wasington
Washington, D.C. 20245
Telephone (202) 343-4004

Bureau of Indian Affairs
Phoenix Area Office
Room 105
124 West Thomas
Phoenix, Arizona 85011
Telephone (602) 261-4195

Bureau of Indian Affairs
Colorado River Agency Office
Parker, Arizona 85344
Telephone (602) 669-2134

Single copies of the draft environmental statement may be obtained from the Bureau of Indian Affairs, Phoenix Area Office, Room 105, 124 West Thomas, Phoenix, Arizona. Additional copies needed may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

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

FEBRUARY 20, 1974.

[FR Doc.74-4544 Filed 2-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NEW YORK AND PENNSYLVANIA GRAIN INSPECTION POINTS

Transfer and Cancellation of Designations

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on January 7, 1974, there was published in the FEDERAL REGISTER (39 FR 1289) a notice announcing (1) a proposed transfer of the designation to operate as an official inspection agency, as defined in section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 7 (f)), at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and (2) the application by Albany Port District Commission, Albany, N.Y., for designation to operate as an official inspection agency at Albany, N.Y. Interested persons were given until February 6, 1974, to make application for designation to operate as an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and to submit written views and comments with respect to the proposed transfer.

No comments were received from users of the service with respect to the proposed transfer. No applications for designation were received other than the application from Albany Port District Commission and no adverse comments on the application were received.

After due consideration of all submissions made pursuant to the notice of January 7, 1974, and all relevant matters, the designation to operate as an official inspection agency at Albany, N.Y., is hereby transferred from International Commercial Exchange, Inc., to Albany Port District Commission. The designation to operate as an official inspection agency at New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., is hereby cancelled. This notice does not preclude interested persons from making application later for designation to operate as an official inspection agency at New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., in accordance with the requirements in § 26.96 of the regulations (7 CFR 26.96), under the U.S. Grain Standards Act.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective March 1, 1974. Done in Washington, D.C., on February 21, 1974.

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

[FR Doc.74-4539 Filed 2-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ALBERT EINSTEIN COLLEGE OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 74-00164-00-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, New York 10461. Article: 1 Cryo-Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in research intended to demonstrate antigen sites in tissues or cells after sectioning by using both ferritin and DAB for visualizing cancer virus antigens. The article will also be used to localize the enzyme, catalase, using ferritin-labeled antibody with ultrathin frozen sections. The study will also include lipase in the pancreas and the other enzymes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(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.74-4588 Filed 2-26-74;8:45 am]

ARGONNE NATIONAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20234.

Docket number: 73-00416-98-34060. APPLICANT: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill.: 60439. Article: Polarized positive ion source. Manufacturer: Auckland Nuclear Accessory Co. Ltd., New Zealand. Intended use of article: The article is intended to be used to provide polarized protons and deuterons for injection into the ANL Zero Gradient Synchroton (ZGS).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability to produce polarized positive ions. The National Bureau of Standards (NBS) advised in its memorandum dated January 29, 1974 that the capability described above is pertinent to the applicant's intended investigation of the spin dependence of nucleon-nucleon interactions and other spin experiments. NBS also advised it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc.74-4593 Filed 2-26-74;8:45 am]

BATTELLE MEMORIAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74-00153-33-46595. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, Washington 99352. Article: Pyramitome, Model LKB 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended used of article: The article is intended to be used to prepare sections of plastic embedded tissues at least 1.0 μm thick for study with the light microscope, the intent being to localize the compounds such as, particles of plutonium, nickel oxide, cobalt oxide, asbestos, cigarette smoke, diesel smoke, and uranium ore dust to which the animals were exposed either by direct observation or by autoradiography and to compare such images with fine structural details obtained on ultrathin sections in the electron microscope. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 30, 1972).

Reasons: The applicant's use in the thick sectioning of hard plastic embeddings and animal bone will require strength and ability to be used with a glass knife. This requirement is satisfied by the foreign article. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 25, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.74-4590 Filed 2-26-74;8:45 am]

CATHOLIC UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00179–01–74600. Applicant: The Catholic University of America, Vitreous State Laboratory, Keane Hall–B–2, 620 Michigan Avenue, N.E., Washington, D.C. 20017. Article: One (1) "Malvern" High Speed Digital Correlator Type K7023. Manufacturer: Precision Devices and Systems, United Kingdom. Intended use of article: The article is intended to be used in research on liquids and liquid mixtures ranging from high temperature molten oxide mixtures to viscous organic lubricants to determine the viscoelastic behavior of these liquids at high pressure in order that lubricants can be designed for high speed turbine engines and to develop optical fibres which have small composition and density fluctuations and thus have low light scattering for use in communications devices.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides (1) a correlating efficiency such that every photon is correlated with every previous photon (because the article accepts inputs continously), (2) an integration time up to 40 hours, (3) a dwell time (bin size) at least as short as 50 nanoseconds, and (4) normalization of one part in 10^6. The National Bureau of Standards (NBS) advised in its memorandum dated January 25, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc.74–4594 Filed 2–26–74;8:45 am]

COUNCIL ON LIBRARY RESOURCES INC. ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 19, 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: 74–00181–99–07795. Applicant: Council on Library Resources, Inc., One Dupont Circle, Suite 620, Washington, D.C. 20036. Article: Automatic Library Card Camera and Transport System. Manufacturer: MEGA System Design Ltd., Canada. Intended use of article: The article is intended to be used to automatically film catalog cards to be used in all courses involving use of library in major academic institutions. Application received by Commissioner of Customs: October 18, 1973.

Docket number: 74–00282–33–46040. Applicant: University of New Mexico, Biology Department, Albuquerque, New Mexico 87131. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological material in the following research projects:

(1) Localization of enzymes in bacteria,

(2) Fine structural studies of topography, appendages and internal structures of bacteria conducted on bacteria of ecological importance,

(3) Transmission electron microscopy and autoradiography on thin sections of millipede cuticle used to investigate seasonal utilization of metabolic reserves in a desert millipede,

(4) Study of the role of microtubules and/or microfilaments in the reorganizational response to thyroid-stimulating hormone (TSH) of cultured thyroid gland cells,

(5) Studies of the separation, culture and metabolic properties of cells dissociated from mammalian lung tissue,

(6) Detailed studies of the host acceptance of transplants of cells cultured *in vitro*,

(7) Studies of cell surface phenomena associated with dispersed, cultured and transplanted cells, and

(8) Observations of cells in the ganglion cell layer of vertebrate retinae from rats, mice, cats, dogs and primates.

The article will also be used in the courses Techniques in electron microscopy, Cytology, and Cell Physiology to teach the use of electron microscope techniques and applications in the biological sciences, and to aid the student in interpretation of cell structure and function. Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74–00292–75–77025. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Neutron Spectrometer. Manufacturer: Techion Research Foundation, Israel. Intended use of article: The article is intended to be used to study the neutron energy spectrum of various mass-separated fission products nuclides. Application received by Commissioner of Customs: January 14, 1974.

Docket number: 74–00293–77040. Applicant: Florida A & M University, Biomedical Research, Tallahassee, Florida 32307. Article: Mass Spectrometer, MS–30B and accessories (MS–30 Multiple Peak Monitor and PYE 104 Gas-Chromatograph). Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used in pharmacokinetic research in developing analytical methodology for detection and quantification of antimetabolites (cancer chemotherapeutic agents) and their active metabolites using a Gas Chromatograph-Mass Spectrometer-Computer (GC/MS/COM) System. Development of these procedures will be particularly relevant to the studies of agents used in combination cancer chomotherapy since it is combination therapy which has proven of clinical utility. Application received by Commissioner of Customs: January 14, 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.74–4591 Filed 2–26–74;8:45 am]

DUKE UNIVERSITY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 74–00143–33–46040. Applicant: Duke University Medical Center, Department of Anatomy, Box 3011, Durham, North Carolina 27710. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The research that is planned using the article involves, among other things studies of isolated protein molecules. It is hoped that crystalline bovine serum albumin can be profitably studied using a special dark field technique and that it will be possible to detect alterations

in this molecule brought about by detergents. In addition work is planned on various isolated components of cell membranes and on membrane fractions; and on studies of metallic replicas of membrane fragments.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 1973). Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope which was formerly manufactured by the Forgflo Corporation and is currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms (the lower the numerical rating in terms of Angstrom units, the better the resolving capability). We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 11, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.74-4584 Filed 2-26-74;8:45 am]

IIT RESEARCH INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 73-00198-65-46070. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, IL 60616. Article: Scanning electron microscope, Model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in many programs requiring extensive application of scanning electron microscopy some of which include the following:

(a) Investigation of Failures by Examination of Fracture Surfaces Documentation of fracture surface, microstructure, surface features, etc., of over 200 laboratory failed samples in commonly used industrial alloys (steels, cast irons, aluminum, nickel, and titanium alloys) in the most commonly encountered fracture modes.

(b) Industrial Application of the SEM Diffraction Capability-Obtaining crystallographic and defect information from areas down to 5 microns and below.

(c) Microstructural studies in the SEM.

Comments: No comments have been received with respect to this application. A letter received December 13, 1972 from Advanced Metals Research Corporation (AMR) is being treated as an offer to provide additional information under Section 701.10(a) of the regulations.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: In reply to Question 8 the applicant alleged that the foreign article provided the following pertinent features:

(1) Solid Pair Backscatter Detector—for compositional or topographic display.

(2) Supplementary Deflection Coil—for selected area diffraction and channeling patterns down to better than 5 micron resolution.

(3) Low Distortion, Low Magnification Scanning Coil. Low distortion coils provide better than ±0.5% distortion-free images at 10X.

(4) Image Selector—for simultaneous display on 1 or 2 CRT's for the following signals: secondary, backscattered, absorbed current, voltage contrast, cathodoluminescene and X-rays.

(5) TV Scan— for 30 frame/sec random interlaced display of image which system is compatible with commercially available video record capabilities.

(6) Goniometer Stage with very large specimen chamber and many degrees of freedom of motion.

With regard to these specifications the National Bureau of Standards, in a memorandum dated December 13, 1973, advised that the domestically manufactured AMR-900, which is considered comparable to the foreign article, satisfies specifications (1), (3), (4), (5), and (6), and thus NBS made no finding on pertinency. As to specification (2), NBS advised that the AMR-900 satisfies the pertinent capability (i.e., observation of selected area defraction and channeling patterns from small areas) conferred by this design specification. Therefore, the AMR-900 is found to be scientifically equivalent to the foreign article for the applicant's intended use.

For these reasons, we find the domestic Model 900 scanning electron microscope is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(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.74-4587 Filed 2-26-74;8:45 am]

OHIO STATE UNIVERSITY AND MICHIGAN STATE UNIVERSITY

Consolidated Decision on Applications for Duty-Free Entry of Lead Glass Blocks

The following is a consolidated decision on applications for duty-free entry of Lead Glass Blocks pursuants to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (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: 73-00589-98-20700. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, OH 43210. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The article is intended to be used as shower detectors to measure gamma rays from the reaction of interest in a high statistics study of W-Meson productions. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by National Bureau of Standards on: January 15, 1974.

Docket number: 73-00590-98-20700. Applicant: Michigan State University, Physics Department, East Lansing, Michigan 48823. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The articles are to be used in high energy experiments to measure the energy of gamma rays. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by National Bureau of Standards on: January 15, 1974. Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides an optical transmittance of 57.9 to 99.2 percent over a range of 360 to 460 Nanometers. The National Bureau of Standards (NBS) advised in the cited memoranda that (1) the capability described above represents the best available internal optical transmittance in

the cited range and (2) the best available optical transmittance is pertinent to the purposes for which each of the articles is intended to be used. NBS also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

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

(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.74-4595 Filed 2-26-74;8:45 am]

REHABILITATION INSTITUTE OF CHICAGO ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 19, 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: 74-00283-33-46500. Applicant: Rehabilitation Institute of Chicago, 345 East Superior Street, 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, mainly mammalian skeletal muscle tissues derived from humans and experimental animals, and exhibit both normal and pathologic structure. Experiments to be conducted include experiments on the effect of pharmacological agents on normal and denervated mammalian muscle. Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74-00284-33-45600. Applicant: Harvard Medical School, Harvard Pathology Unit, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, Massachusetts 02118. 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 following research projects:

(A) A study of the structure and function of normal and pathologic vascular endothelium with the use of electron microscopic tracers which would delineate the sites of vascular permeability.

(B) Studies on the localization of various enzymes (e.g. endogeneous peroxidase catalase, dehydrogenases) in normal skeletal muscle, macrophages, liver, Kupffer cells, kidneys, again under normal and pathologic conditions.

(C) Studies on the ultrastructural basis for normal and increased glomerular permeability with the use of enzyme tracers.

(D) Studies on the localization of antigens and antibodies in renal tissue, again using ultrastructural cytochemical techniques (peroxidase-labeled antibodies).

(E) Studies on endothelial cell and smooth muscle cell cultures. Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74-00286-33-46500. Applicant: University of Rochester Atomic Energy Project, 400 Elmwood Avenue, Rochester, N.Y. 14642. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used in conjunction with a transmission electron microscope in a study of lung clearance of particles. Experiments to be conducted include experiments on the normal, physiological response of the lung tissue in regard to aerosol inhalation. In addition variations in the behavior of cells and tissues under experimental pathological conditions are to be studied. The objectives to be pursued in the course of the investigations are to reveal at the ultrastructural level the structural bases of alveolar clearance of particles and compare the morphological changes with the functional changes of clearance. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00287-98-20700. Applicant: University Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Colorado 80302. Article: Germanium Photodiode-Preamplifier. Intended use of article: The foreign article is to be used in a solar polarimeter in an experiment designed to provide information on the magnetic field of the solar corona. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00288-01-30095. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Stopped-Flow Spectrometer, Model SF-3A. Manufacturer: Nortech Laboratories Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the rates of very fast chemical reactions including oxidation-reduction, ligand substitution, and dealkylation of transition metal complexes, many of which are extremely air sensitive. The experiments will include the characterization of the reaction and the determination of the mean reaction time under various circumstances. These investigations have as their object the determination and study of the mechanisms of the chemical reactions described above. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00289-33-77030. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Model CPS-2 Coherent NMR Pulse Spectrometer. Manufacturer: Spin-Lock Electronics, Ltd., Canada. Intended use of article: The article is intended to be used in research with a two fold objective. First, to develop a fast, reliable method of diagnosing a cancerous or precancerous condition that can be employed on a routine basis. Second, to establish the cause of the larger water proton relaxation times observed in samples from tumorous animals in terms of cellular or molecular properties that may be altered by the existence of cancer in an animal. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00290-33-10100. Applicant: University of Miami, School of Medicine, Department of Pharmacology, 1600 N.W. 10th Avenue, Miami, Florida 33136. Article: Fluorescence-Absorption Temperature-Jump Apparatus. Manufacturer: Bodo Schmidt, West Germany. Intended use of article: The article is intended to be used for studies of lipid membranes which bind and transport Ca++ Experiments to be conducted are observation of relaxation phenomena accompanying a sudden temperature change as a means of describing ion binding and transport kinetics. The objectives of these experiments are to understand how Ca++ moves during heart muscle contraction following electrical excitation and Ca++ movements during muscle relaxation. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00300-35-46040. Applicant: State University of N.Y. at Stony Brook, School of Dental Medicine, Department of Oral Biology, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used as a high resolution research tool to investigate the ultrastructure of naturally occurring and experimentally induced oral disease; specifically, dental caries research, periodontal disease research, and the general area of biological mineralization. Dental caries research

will involve the examination at high magnification of the interface between enamel crystallites and bacteria and/or their extracellular polysaccharide matrices. In the area of periodontal disease research the permeability of epithelial tissues, cell-to-cell contact specializations in gingival epithelia, the nature and breakdown of gingival collagen and ground substance glycoproteins will be investigated. Other research involves studies of pathologic tissue changes, naturally occurring or experimentally induced and the investigation of the production of odontogenic tumors in hamsters infected with MVM viruses. Graduate students will be trained in the use of the microscope. Application received by Commissioner of Customs: January 21, 1974.

Docket number: 74-00301-33-46040. Applicant: Syracuse University, Biological Research Laboratories, 130 College Place, Syracuse, New York 13210. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens Corporation West Germany. Intended Use of Article: The article is intended to be used in a research project which represents a comprehensive investigation of the biochemical-structural-functional relationships of microtubules as they occur in motile cilia, flagella and sperm tails. Specific objectives of the research are:

(A) Biochemical and macromolecular analyses of microtubule protein—to define as precisely as possible the macromolecular configuration of microtubule protein (tubulin) and to identify, characterize and ascertain the way in which the monomeric and dimeric tubulin subunits are incorporated into the protofilaments forming the microtubule wall.

(B) Inter-microtubule linkages of cilia and flagella—to further characterize the two kinds of axoneme linkages, paying particular attention to their stable and labile attachment sites at the microtubule wall.

(C) The structural basis of ciliary bend formation—to determine the function of the radial links connecting outer doublet and central microtubules during motility, i.e. microtubule sliding and axoneme bending.

The article will also be used in the course Biological Electro microscopy representing part of the required training program for those individuals wishing to utilize the instrument in their research programs. The course will include topics in preparative and analytical procedures in high resolution electron microscopy as well as topics in electron optical principles. Application received by Commissioner of Customs: January 16, 1974.

Docket Number: 74-00302-65-40600. Applicant: University of Chicago, Enrico Fermi Institute, 5640 South Ellis Avenue, Chicago, Illinois 60637. Article: Isotope Micromass, Model 602C with digital printer, inlet option C6. Manufacturer: VG-Micromass Limited, United Kingdom. Intended use of article: The article is intended to be used in research which involves determination of the abundances of the stable isotopes of nitrogen (N^{15} and N^{14}) extracted from lunar rocks and soils. Nitrogen and other trace gases will be extracted from lunar samples by one of the following alternative procedures: (1) pyrolysis at various temperatures in a high-vacuum furnace; (2) acid dissolution of the sample followed by a Kjeldahl distillation of ammonia and a hypobromite oxidation to produce N_2. Application received by commissioner of Customs: January 2, 1974.

Docket number: 74-00303-33-46500. Applicant: Childrens Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werk AG, Austria. Intended Use of Article: The article is intended to be used to cut sections of mouse palate one-millionth of an inch thin. The section is then to be viewed and photographed with an electron microscope to determine whether contracticle proteins are found in the fetal palate and whether these proteins are responsible for palatal shelf elevation during development. Application received by Commissioner of Customs: January 18, 1974.

Docket number: 74-00304-80-81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, Ohio 45219. Article: Wright Dust Feed Mechanism & Parts. Manufacturer: L. Adams Ltd., United Kingdom. Intended use of article: The article is intended to be used to produce, in test air, particulate clouds of a variety of materials including, coal, silica, aluminum oxide, and possibly silicon carbide. The article is an essential component to the design of a system for the calibration of air sampling equipment. Application received by Commissioner of Customs: January 24, 1974.

Docket number: 74-00309-33-28500. Applicant: Walter Reed Army Medical Center, P and C Branch, Building 33, Georgia Avenue NW., Washington, D.C. 20012. Article: Laurel Rocket Electrophoresis Apparatus with replacement parts and supplies. Manufacturer: Farbwerke Hoechst AG, West Germany. Intended use of article: The article is to be used to study the argarose electrophoresis properties of serum proteins including antigens such as thermophilic fungi. Application received by Commissioner of Customs: January 29, 1974.

Docket number: 74-00277-00-41200. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, New York 14203. Article: Two (2) Reflex Klystrons, Model VRE 2102A. Manufacturer: Varian Associates, Canada. Intended use of article: The articles are replacements for klystron tubes used in microwave generators that are part of an Electron Spin Resonance Spectrometer used in the studies of Radiation Damage Mechanisms in connection with cancer research. Application received by Commissioner of Customs: January 7, 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.74-4582 Filed 2-26-74;8:45 am]

UNIVERSITY OF CALIFORNIA, BERKELEY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 74-00169-65-46040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for basic research on the relation between microstructure and properties of materials. Specimens of various alloys, ceramics and biological materials will be studied directly in the microscope. The objectives of this research are to characterize structure so the Laboratory can understand behavior of materials.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 8, 1972). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope, formerly manufactured by the Forgflo Corporation and currently being supplied by the Adam David Company. Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 31, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as

the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.74-4585 Filed 2-26-74;8:45 am]

UNIVERSITY OF SOUTH ALABAMA

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 74-00151-33-46500. Applicant: University of South Alabama Medical School, 307 University Boulevard, Mobile, Alabama 36688. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The foreign article is intended to be used to study mammalian nervous system tissue exhibiting both normal and pathologic structure. Experiments will include research on both normal structure and inter-relationships of the components of the nervous system as well as research on lesion produced changes in the fine structure of the neurophile and the compensatory changes that subsequently occur.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of January 25, 1974 that cutting speeds in excess of 4mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

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

[FR Doc.74-4592 Filed 2-26-74;8:45 am]

UNIVERSITY OF SOUTH CAROLINA

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket number: 73-00164-58-46070. Applicant: University of South Carolina, Purchasing Department, Columbia, S.C. 29208. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in research projects for the following purposes:

1. To study the processes of calcification in marine and freshwater invertebrates at their larval and post-larval stages,
2. To study the history of sedimentation over the past million years in a series of piston cores taken in the area of the Antarctica Convergence on the southeast portion of the Indian Antarctic Ridge south of Australia, and
3. To understand the mechanisms of brittle fracture in polycrystalline rocks.

The article will also be used for the graduate course of electron microscopy (Biology 760 and Biology 760L) to train students in ultrastructural studies.

Comments: Comments have been received from the Advanced Metals Research Corporation (AMR) which alleged inter alia that the AMR Model 900 provides a domestic source which is fully competitive with, if not superior to, the foreign made instrument in the areas of scientific capability, routine performance, availability of accessories etc.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered (May 28, 1971).

Reasons: This application is a resubmission of Docket Number 72-00002-58-46070 which was denied without prejudice to resubmission on May 2, 1972 for informational deficiencies. The foreign article has a guaranteed resolution of 100 Angstroms. Although ETEC Corporation (ETEC) and AMR now guarantee 100 Angstroms, at the time the foreign article was ordered their instruments had guaranteed resolution of 200 Angstroms and 150 Angstroms respectively. The Department of Health, Education, and Welfare (HEW) in its memorandum dated February 16, 1973, advised that the best resolution available is pertinent to the applicant's studies in organic matrix synthesis and in the processes in calcification in invertebrates. HEW further advised that it knows of no available domestic scanning electron microscope which could be used for the applicant's intended purposes at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.74-4586 Filed 2-26-74;8:45 am]

UNIVERSITY OF WISCONSIN

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74–00185–00–46070. Applicant: University of Wisconsin, Department of Geology & Geophysics, Science Hall, Madison, Wisconsin 53706. Article: Optical Microscope. Manufacturer: JEOL Ldt., Japan. Intended use of article: The article is intended to be used in routine quantitative analysis; in the study of the cathodoluminescence of minerals. The objectives of this research are (i) to quantitatively analyze esp. rocks, minerals, and metals (ii) to make correlations of the luminescence properties of minerals and explore their use in Geology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(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.74–4589 Filed 2–26–74;8:45 am]

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held Thursday, March 7, 1974, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of final reports from Subgroups.
   a. Test Equipment.
   b. Production Equipment.
4. Acceptance of Subgroup reports.
5. Executive Session:
   a. Review of final reports from Subgroups.
   b. Acceptance of Subgroup reports.
   c. Formulation of TAC recommendation to government.
6. Adjournment.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the commitee.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to Section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provisions of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from William W. Clarke, Chairman of the committee, Bureau of East-West Trade, Room 4317, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967–2420).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: February 22, 1974.

LEWIS W. BOWDEN,
Deputy Assistant Secretary, for East-West Trade (Acting).

[FR Doc.74–4599 Filed 2–26–74;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

Patent 3,743,577: Single Fluid Molten Salt Nuclear Breeder Reactor; filed 3 June 1968, patented 3 July 1973; not available NTIS.

Patent 3,743,595: Dual-Layer Hyperfiltration Membrane and Process for using same; filed 20 April 1971, patented 3 July 1973; not available NTIS.

Patent 3,743,840: Bifilar Helical Multiwire Proportional Chamber; filed 18 July 1972, patented 3 July 1973; not available NTIS.

Patent 3,744,301: Ultrasonic Void Fraction Detector; filed 9 September 1971, patented 10 July 1973; not available NTIS.

Patent 3,744,875: Ferroelectric Electrooptic Devices; filed 1 December 1971, patented 10 July 1973; not available NTIS.

Patent 3,744,974: Loading Disk for Photometric Analyzer of Rotary Cuvette Type; filed 30 November 1971, patented 10 July 1973; not available NTIS.

Patent 3,745,205: Extraction of Uranium from an Aqueous Solution; filed 17 February 1972, patented 10 July 1973; not available NTIS.

Patent 3,746,614: Method for Detecting and Locating Failed Sodium-Bonded Fuel Elements; filed 29 September 1972, patented 17 July 1973; not available NTIS.

Patent 3,747,219: Gauging System; filed 18 January 1971, patented 24 July 1973; not available NTIS.

Patent 3,747,959: Nuclear Fuel Element Identification Method; filed 21 July 1971, patented 24 July 1973; not available NTIS.

Patent 3,748,226: Pulsed High-Beta Fusion Reactor; filed 18 May 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,274: Method of Making Particles from an Aqueous Solution; filed 29 August 1969, patented 24 July 1973; not available NTIS.

Patent 3,748,283: Method for Dispersing Cr(3+) Ions Impregnated in Silica; filed 3 January 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,472: Method of Measuring Fast-Neutron Flux; filed 11 August 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,992: Multiple Lens Camera for Obtaining Time Sequential Images; filed 22 January 1971, patented 31 July 1973; not available NTIS.

Patent 3,750,047: Gas Laser Having Excitation Chambers with Multiple Channels; filed 25 August 1972, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 375,882: Elution Centrifuge—Apparatus and Method; filed 2 July 1973, PC $3.00/MF $1.45.

Patent 3,750,017: Electromagnetic Field Measuring Device; filed 16 September 1971, patented 31 July 1973; not available NTIS.

Patent 3,756,069: Gas Analyzer Apparatus; filed 4 August 1971, patented 4 September 1973; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent 3,505,520: Measuring the Incombustible Content of Mine Dust Using Backscatter of Low Energy Gamma Rays; filed 10 October 1967, patented 7 April 1970; not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 3,560,787: Flash Lamp; filed 21 August 1967, patented 2 February 1971; not available NTIS.

Patent 3,562,653: Spurious Response Free Receiver; filed 20 May 1969, patented 9 February 1971; Not available NTIS.

Patent 3,564,588: Chemiluminescent System for Detecting Living Microorganisms; filed 7 July 1964, patented 16 February 1971; not available NTIS.

Patent 3,571,603: Optical Reader and Character Identification System Utilizing a Two-Dimensional Diffracting Means; filed 12 November 1968, patented 23 March 1971; not available NTIS.

Patent 3,572,190: Resilient Self-Adjusting Wrench; filed 26 August 1969, patented 23 March 1971; not available NTIS.

Patent 3,573,762: 3-Wire Coincident Current Core Memory; filed 28 January 1969, patented 6 April 1971; not available NTIS.

Patent 3,573,792: Universal Display Panel; filed 12 November 1968, patented 6 April 1971; not vailable NTIS.

Patent 3,575,519: Drill Guide Assembly; filed 2 June 1969, patented 20 April 1971; not available NTIS.

Patent 3,576,220: Telescoping Sea Floor Soil Sampler; filed 1 April 1969, patented 27 April 1971; not available NTIS.

Patent 3,576,327: Inflatable Seal for Fluid-Containing Means; filed 5 May 1969, patented 27 April 1971; not available NTIS.

Patent 3,577,527: Neisseria Meningitidis Antigen; filed 27 January 1969, patented 4 May 1971; not available NTIS.

Patent 3,582,209: Detection of Toxic Organophosphoru Airborne Substances by Frustrated Multiple Internal Reflection Spectroscopy; filed 14 November 1968, patented 1 June 1971; not available NTIS.

Patent 3,582,216: Device for Measuring the Distance Between Two Parallel Lines; filed 15 August 1968, patented 1 June 1971; not available NTIS.

Patent 3,585,150: Foam Inhibited CO2 Regenerative Amine Absorbent Compositions; filed 20 November 1967, patented 15 June 1971; not available NTIS.

Patent 3,585,519: Narrow Band Intermediate Frequency Amplifier; filed 16 October 1969, patented 15 June 1971; not available NTIS.

Patent 3,585,946: Incinerator Air Supply and Loading Means; filed 15 October 1969, patented 22 June 1971; not available NTIS.

Patent 3,586,640: Far-Infrared Photodetector: filed 24 April 1968, patented 22 June 1971; not available NTIS.

Patent 3,587,098: Lightweight Reflecting Material for Radar Antennas; filed 11 October 1968, patented 22 June 1971; not available NTIS.

Patent 3,588,399: Circuit Patching Devices; filed 24 July 1969, patented 28 June 1971; not available NTIS.

Patent 3,590,124; Blood Transfusion Fluids Having Reduced Turbulent Friction Properties; filed 27 June 1967, patented 29 June 1971; not available NTIS,

Patent 3,590,355: Digital Positioning Motor Control for an Elevator; filed 22 October 1969, patented 29 June 1971; not available NTIS.

Patent 3,590,776: Vacuum Fluidized-Bed Coating Apparatus; filed 24 March 1969, patented 6 July 1971; not available NTIS.

Patent 3,591,465: Selective Silicon Groove Etching Using a Tantalum Oxide Mask Formed at Room Temperatures; filed 15 September 1969, patented 6 July 1971; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, DC 20546.

Patent application 374,424: Electron Microscope Aperature System; filed 28 June 1973, PC $3.00/MF $1.45.

Patent application 379,018: Ultra-Flexible Biomedical Electrode and Wires; filed 13 July 1973, PC $3.00/MF $1.45.

Patent application 379,048: Ultra-Flexible Biomedical Electrodes and Wires; filed 13 July 1973, PC $3.00/MF $1.45.

Patent application 381,848: Electron Microscope Aperture System; filed 23 July 1973, PC $3.00/MF $1.45.

Patent application 414,043: Ultraviolet and Thermally Stable Polymer Compositions; filed 8 November 1973, PC $3.00/MF $1.45.

Patent 3,700,903: Image Data Rate Converter Having a Drum with a Fixed Head and a Rotatable Head; patented 6 November 1973; not available NTIS.

Patent 3,769,834: Whole Body Measurement Systems; filed 6 November 1973; not available NTIS.

Patent 3,770,021: Fluid Pressure Amplifier and System; patented 6 November 1973; not available NTIS.

[FR Doc.74–4484 Filed 2–26–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2925]

AMERACE CORP.

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 3B2925) has been filed by Amerace Corp., Microporous Products Div., 245 Polk Ave., New York, N.Y. 10017, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a microporous filter intended for contact with food and comprised of one of the following silica-modified polymers: (1) polyvinylchloride, (2) propylene vinylchloride copolymer, (3) vinyl acetate-vinyl chloride copolymer, wherein cyclohexanone is used as a processing solvent.

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 Commissioner 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: February 19, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–4532 Filed 2–26–74;8:45 am]

[FAP 4B2952]

AMERICAN CYANAMID CO.

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 4B2952) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics* (21 CFR 121.2591) be amended to provide for the safe use of di-2-ethylhexyl phthalate as a flow promoter in semirigid and rigid acrylic and modified acrylic plastics, intended for contact with food.

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 Commissioner 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: February 19, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–4535 Filed 2–26–74;8:45 am]

[FAP 3B2852]

ARCO/POLYMERS, INC.

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 3B2852) has been filed by ARCO/Polymers, Inc., Frankfort Road, Monaca, PA 15061, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of styrene-maleic anhydride copolymers as articles or components of articles intended to contact food.

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 Commissioner 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: February 19, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–4533 Filed 2–26–74;8:45 am]

[FAP 3B2918]

MONSANTO CO.

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 3B2918) has been filed by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of di(C_7-C_9 alkyl)adipate as a plasticizer in the manufacture of articles intended to contact food.

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 Assistance Commissioner 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: February 19, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-4534 Filed 2-26-74;8:45 am]

Office of Education

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Closing Date for Receipt of Applications for Determining Expected Family Contribution

Pursuant to the authority contained in section 411(b)(1) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a(b)(1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions under the Basic Educational Opportunity Grant Program. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1974 applications for determining expected family contributions for the academic year 1973-74 must be received by the Office of Education at the following address, BEOG, P.O. Box B, Iowa City, Iowa 52240, on or before April 1, 1974. Information and application forms may be obtained at institutions of higher education, high schools or from the Office of Education at the following address, BEOG, P.O. Box G, Iowa City, Iowa 52240.

An application sent by mail will be considered received on time if the application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

Dated: February 21, 1974.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

(20 U.S.C. 1070a)

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-4524 Filed 2-26-74;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The sixth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act), will be held Monday, March 4, 1974, from 1:00 p.m. to 5:00 p.m. and Tuesday, March 5, 1974, from 9:00 a.m. to 1:00 p.m., in Room 5051, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-4718 Filed 2-26-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL; SUBCOMMITTEE ON EVALUATION AND SUBCOMMITTEE ON DATA AND NORMS

Notice of Meeting

A joint meeting of the National Professional Standards Review Council Subcommittee on Evaluation and Subcommittee on Data and Norms will be held on Monday, March 4, 1974. These Subcommittees were formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to program evaluation of PSROs and PSRO data and norms of care. The meeting will be held in Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C., 9:00 a.m. to 12:00 m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The agenda will consist of issues relating to these efforts. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-4720 Filed 2-26-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL; SUBCOMMITTEE ON POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Monday, March 4, 1974. This Subcommittee was formed to review policy issues of importance in the implementation of Title XI, Part B, Social Security Act. The meeting will be held in Room 4131, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 9:00 a.m. to 12:00 m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-4719 Filed 2-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Management

[DOCKET NO. D-74-269]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority Regarding Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 FR 21539, November 10, 1971, 37 FR 10408, May 20, 1972, 38 FR 24243, September 6, 1973, and 39 FR 2393, January 21, 1974, is amended in the following respects:

1. In section A, the beginning lines are revised to read as follows:

SECTION A. *Authority redelegated to specific field officials.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director; each Director, Housing Management Division, Area and Insuring Office; each Director, Loan

Management and Property Disposition Branch, or Director, Property Disposition Branch, Area Office; each Chief, Property Disposition Section, Insuring Office; and each Real Property Officer Designee in those Insuring Offices which do not have a Housing Management Division is authorized to.

2. The present section B is revised to read as follows:

SEC. B. *Additional authority redelegated.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director is authorized to establish, approve, implement, and amend the program for repairs, management, and operation of Secretary-owned multifamily properties and to authorize expenditures to undertake the rehabilitation and repair as provided in the approved program for management and operation, with amendments; including authorization to sign (execute) complaints to duly constituted civil authority and related documents pertaining to vandalism, malicious mischief, or damage to and theft from Secretary-owned multifamily properties and from multifamily properties during the period when the Secretary is mortgagee-in-possession.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. The authority redelegated under section A is effective as of September 6, 1972, and the authority redelegated under section B is effective as of February 20, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-4557 Filed 2-26-74;8:45 am]

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

NOTICE OF PUBLIC MEETING

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is herby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held from 8:30 a.m., Wednesday, March 6, through 4:30 p.m., Thursday, March 7, 1974.

The meeting will be held in Room 5A06A (Enter 5H09) of the U.S. Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this meeting the Council will consider policy alternatives in the areas of equal employment opportunity and labor management relations in the public sector. Time will also be devoted to an initial examination of issues in the following areas: (a) Government employee political activity; (b) training and education in the public service; and (c) a survey of progress of Intergovernmental Personnel Act programs to date, including a highlight of problems.

The meeting will be open to the public. Seating will be available to accommodate up to twenty observers. No time will be devoted during the meeting to participation or presentations by members of the public. However, individuals and groups are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street NW., Washington, D.C. 20415, Attention: Executive Secretary.

Persons wishing additional information concerning this meeting should contact the Executive Secretary at the above address or by telephone (202) 632-6248.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

[FR Doc.74-4610 Filed 2-26-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON CONTROL OF COMBUSTIBLE GASES FOLLOWING LOSS OF COOLANT ACCIDENT (LOCA)

Notice of Meeting

FEBRUARY 25, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Working Group on Control of Combustible Gases Following Loss of Coolant Accident (LOCA) will hold a meeting on March 5, 1974, in Room 1062, at 1717 H Street, NW., Washington, D.C. The subject scheduled for discussion is control of combustible gases following LOCA.

The Subcommittee is meeting with their consultants and Regulatory Staff participants to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions and internal deliberations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4668 Filed 2-26-74;8:45 am]

[DOCKETS NOS. STN 50-454 AND STN 50-455]

COMMONWEALTH EDISON COMPANY

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Byron Station, Units 1 and 2 to be constructed by Commonwealth Edison Company in Ogle County, north central Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Byron Public Library, Third & Washington Streets, Byron, Illinois 61010. The Draft Statement is also being made available at the Office of Planning & Analysis, 216 E. Monroe Street—3rd Floor, Springfield, Illinois 62706 and at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois 60606. Copies of the Commission's Draft Environment Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by Commonwealth Edison Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on November 9, 1973 (38 FR 31033).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 15, 1974. Comments by Federal, State and local officials, or other persons received by the

Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Byron Public Library, Third & Washington Streets, Byron, Illinois. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of February 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-4753 Filed 2-26-74;8:45 am]

[Docket No. 50-423]

MILLSTONE POINT CO. ET AL.

Evidentiary Hearing

In the matter of The Millstone Point Co., et al. (The Millstone Nuclear Power Station, Unit No. 3).

The evidentiary hearing in this matter will commence at 9:30 a.m., local time, at the City Council Chamber, Municipal Building, 3rd Floor, Captain's Walk (formerly State Street), New London, Connecticut, on March 6, 1974. At this session of the hearing, evidence will be received on all the environmental issues in the proceeding. Radiological health and safety matters will be considered at a future session of the hearing.

All requests to make limited appearances are granted, and those persons desiring to make oral presentations will be permitted to do so at this session of the hearing.

It is so ordered.

Issued at Washington, D.C., this 22nd day of February 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON, *Chairman.*

[FR Doc.74-4523 Filed 2-26-74;8:45 am]

[Docket No. 50-465]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on January 7, 1974 (4 FR 1300) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation Docket No. 50-465, complies with the requirement of the Act, and the Commission's regulations set forth in 10 CFR Chapter I, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-95 to Westinghouse Electric Corporation, authorizing the export of a boiling water reactor with a thermal power level of 2,783 megawatts to the Statens Vattensfallsverk, Stockholm, Sweden.

The export of this reactor to Sweden is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 15th day of February 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-4522 Filed 2-26-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Notice of Meeting

FEBRUARY 25, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Environmental Subcommittee will hold a meeting on March 14, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment.

The following constitutes that portion of the Subcommittee's agenda for the above meetng which will be open to the public:

Thursday, March 14, 1974, 9 a.m.-1 p.m. Possible revisions to Regulatory Guide 1.21, Rev. 1, Draft, January 1974, entitled, "Measuring and Reporting of Radioactivity in Effluents and Wastes from Nuclear Power Plants." (This is a revision of AEC Safety Guide 21.) In addition to this item, the Subcommittee may discuss the evaluation of effluents from nuclear facilities and calculation of associated population doses.

In connection with the above agenda items, the Subcommittee and its consultants will hold an executive session at 8:30 a.m. on March 14 which will involve a discussion of their preliminary views of the agenda items, and an executive session at 2:00 p.m. to discuss and to formulate appropriate recommendations to the full ACRS regarding: the report by Marc Ross, Physics Department, University of Michigan, entitled, "The Possibility of Release of Cesium in a Spent-Fuel Transportation Accident," dated January 1974; proposed Regulatory Guide 1.XX, "Termination of Operating Licenses for Nuclear Reactors," Draft 1; and Regulatory Guide 4.2, "Preparation of Environmental Reports for Nuclear Power Plants," March 1973.

I have determined, in accordance with subsection 10(d) of Public Law 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). It is essential to close such portions of the meeting to 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 items may do so by mailing 25 copies thereof, postmarked no later than March 7, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, 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 10 a.m., and 12:30 p.m. on March 14, 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 12, 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 in-

stallation 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 14, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4785 Filed 2-26-74;9:21 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON MILLSTONE NUCLEAR POWER STATION, UNIT 3

Notice of Meeting

FEBRUARY 25, 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 the Millstone 3 project will hold a meeting on March 15-16, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to begin the Committee's formal Construction Permit review of Millstone Nuclear Power Station, Unit 3. This facility is located in the town of Waterford, New London County, Connecticut.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, March 15 and Saturday, March 16, 1974, 9:30 a.m.-3:30 p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of the Millstone Point Company and their representatives and hold discussions with these groups pertinent to issuance of a Construction Permit for Millstone Nuclear Power Station, Unit 3.

In connection with the above agenda item, on both meeting days the Subcommittee will hold an executive session beginning at 9 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicant to discuss privileged information relating to plant security and fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of each day's 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 closed sessions may be held, if necessary, to discuss certain information relating to site security and fuel design which is privileged and falls 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 March 8, 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 Preliminary Safety Analysis Report for this facility and 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 and the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

(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, during the afternoon portions 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 March 14, 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., and within nine days at the Waterford Public Library, Rope Ferry Road, Route 56, Waterford, Connecticut, 06385. 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 Rom, 1717 H Street NW., Washington, D.C. 20545, on or after May 15, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory, Committee Management Officer.

[FR Doc.74-4786 Filed 2-26-74;9:21 am]

[Docket No. 50-346A etc.]

TOLEDO EDISON CO. ET AL.

Prehearing Conference

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company, Docket No. 50-346A, (Davis-Besse Nuclear Power Station); Cleveland Electric Illuminating Company, et al., Docket Nos. 50-440A, 50-441A, (Perry Plant, Units 1 and 2); Duquesne Light Company, et al., Docket No. 50-412A, (Beaver Valley, Unit 2).

The special prehearing conference in the above captioned case, held on February 19, 1974, and recessed by agreement of the Parties and the Board until March 1, 1974, will be reconvened at 10 a.m., local time March 1, 1974 in Suite 500, U.S. Postal Rate Commission, 2000 L Street, NW., Washington, D.C.

It is so ordered.

Issued at Washington, D.C. this 26th day of February, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-4811 Filed 2-26-74;11:03 am]

CIVIL AERONAUTICS BOARD

[Docket 26109]

COURT LINE AVIATION LIMITED

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 6, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 20, 1974.

[SEAL] JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.74-4602 Filed 2-26-74;8:45 am]

EMERY AIR FREIGHT CORP.

Order Rejecting Tariff Filings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of February, 1974.

By tariff revisions[1] filed January 25, 1974, and marked to become effective February 24, 1974, Emery Air Freight Corporation (Emery) proposes to increase its general commodity rates and charges in numerous markets, which will average 10 cents per pound and range from 6 to 46 percent above current levels.

In support of its proposal, Emery states, inter alia, that it has been forced to enter into a charter agreement in certain markets because the scheduled carriers have either canceled their all-cargo service or reduced their combination flights to a point where overnight service is not available.[2] Consequently, Emery now contends that in order to maintain its standard of service, it must charter aircraft, thus increasing its costs.

Based upon expected traffic volume, Emery estimates that the proposal will cost an additional $232,700 monthly for providing charter service in these markets and will generate $183,000 additional revenue per month from general commodity traffic.

As indicated, Emery estimates that these charters will cost an additional $232,700 per month and sets forth costs in a limited number of markets based upon experienced direct air freight expense. However, no cost data have been provided showing Emery's costs of charter operation by market segment, the estimated load factors assumed, the estimated on-board mix between general and specific commodity traffic, or other underlying carrier assumptions. Consequently, the carrier's inadequate data constitute a serious deficiency in its proposal. For these reasons, we are of the opinion that a more adequate showing is necessary to support the proposed rate increases.

Emery has proposed rate increases not only in points directly served by the proposed charter service, but also for numerous cities in the general area of each city for which it has engaged charter service. Thus, for example, the carrier's proposal calls for rate increases from Omaha, Nebraska to Huntsville, Alabama, even though the closest charter cities to these points are Chicago and Atlanta, respectively.[3] However, Emery has provided no data as to which mode of transportation would be utilized in these segments or the costs associated therewith.

In these circumstances, the Board has concluded that the proposal has not been accompanied with adequate explanation and data to justify the proposal as required by § 221.165 of the Board's Economic Regulations, and should be rejected, without prejudice to future filings accompanied by adequate and detailed justifications.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. The tariff pages listed in Appendix A[4] hereto are hereby rejected;

2. Copies of this order will be served upon Emery Air Freight Corporation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-4558 Filed 2-26-74;8:45 am]

[Docket 24554]

NISHI-NIPPON RAILROAD CO., LTD. (JAPAN) D/B/A NNR AIRCARGO SERVICE (USA) INC.

Notice of Hearing

Counsel for the Bureau of Operating Rights has submitted written objection to holding the hearing in this proceeding immediately following conclusion of the prehearing conference scheduled to be held on February 27, 1974 (39 FR 18, January 25, 1974). This is to give notice that the hearing will be held on March 13, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., before the undersigned. The date, time, and place set for the prehearing conference remain unchanged.

Dated at Washington, D.C., February 20, 1974.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.74-4603 Filed 2-26-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

Increased Import Allocations

FEBRUARY 22, 1974.

On January 2, 1974, there was published in the FEDERAL REGISTER (39 FR 28) a letter dated December 27, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs directing that certain specified quantities of cotton yarn and/or cotton fabric be permitted to enter the United States for consumption from the indicated countries pursuant to an ad hoc offer by the United States Government to each of its cotton textile bilateral agreement partners to permit entry of additional quantities of such goods, not to exceed in total amount five percent of each country's current-year aggregate agreement ceiling. A number of our bilateral trading partners did not choose to take full advantage of this offer, and the United States Government has decided, therefore, to make this shortfall available to countries which did respond. The following table lists the amounts of additional yardage and the countries and categories to which it is to be applied:

Country	Category		Additional amount
Brazil	1-4	Pounds	108,696
	9	Square yards	3,000,000
	16	do	500,000
	18/19/26 (pt.)	do	2,000,000
	22/23	do	3,000,000
	24	do	1,000,000
China, Republic of	5/6	do	85,600
	9/10	do	1,028,880
	18/19	do	2,140,995
	22/23	do	168,797
	26/27	do	809,889
Colombia	5/6	do	300,000
	9	do	500,000
	16	do	750,000
	22/23	do	2,800,000
	26 (other than duck)	do	400,000
	26 (duck)	do	150,000
	27	do	100,000
Hong Kong	22/23	do	1,250,346
	24/25	do	415,661
	26/27 (duck)	do	1,863,182
	26 (pt.)	do	470,811
India	9/10	do	3,000,000
	18/19	do	1,000,000
Mexico	9/10	do	3,550,000
	22/23	do	4,650,000
	26/27 and part of 64	do	3,800,000
Pakistan	9/10	do	5,000,000
	18/19/26 (pt.)	do	2,000,000
	26 (duck)	do	1,000,000

[1] Revisions to Emery Air Freight Corporation C.A.B. No. 38.

[2] Emery has entered into an agreement with Saturn Airways to charter 4 L-188 Lockheed Electras for a minimum of 3 months and possibly longer. The agreement gives Emery exclusive use of the charter aircraft during this period. Saturn provides the plane and the crew, plus performing the loading and unloading functions. The loading and unloading functions are a cost add-on to Saturn's charter charges.

Basically, Emery proposes to operate these chartered aircraft in scheduled service over the following routes:

(1) Ypsilanti/Cleveland/New York/Charlotte/Atlanta;

(2) Atlanta/Charlotte/New York/Cleveland/Ypsilanti;

(3) Ypsilanti/Chicago/Charlotte/Atlanta/Chicago/Ypsilanti; and

(4) New York/Dallas/Houston/New Orleans/New York.

[3] The total airport-to-airport distance between Omaha and Huntsville via Chicago and Atlanta is 1,173 miles, but the charter trip distance between Chicago and Atlanta is only 606 miles. Hence, in this example, a substantial portion of the trip could not be made by its charter arrangements.

[4] Filed as part of original document.

These additional amounts will not become part of the restraint levels of the foregoing categories for purposes of adjustment in subsequent years, under the terms of the agreements.

There is published below a letter of February 22, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs advising him of these further offers and directing that the specified additional amounts should be permitted entry.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

FEBRUARY 22, 1974.

DEAR MR. COMMISSIONER: Pursuant to a further offer by the United States Government to certain of its bilateral cotton textile agreement partners to export to the United States additional quantities of cotton yarn and/or fabric, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to permit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the additional amounts and from the countries listed in the enclosed table. Entries are to be charged against the current levels of restraint established in previous directives for the categories and countries specified, as increased by the indicated ex-quota amounts. These ex-quota amounts are in addition to those specified in the directive of December 27, 1973, as amended. They will not become part of the restraint levels of the affected categories for purposes of adjustment in subsequent years under the terms of the agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 25, 1974 (39 FR 3430).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the governments of the countries indicated and with respect to imports of cotton textiles and cotton textile products from those countries have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Country	Category		Additional amount
Brazil	1-4	pounds	108,696
	9	square yards	3,000,000
	18/19 and part of 26 (printcloth).[1]	do	2,000,000
	22/23	do	3,000,000
China, Republic of.	5/6	do	85,600
	9/10	do	1,028,880
	18/19	do	2,140,995
	22/23	do	168,797
	26/27	do	809,889
Colombia	5-27	do	5,000,000
	5/6	do	300,000
	9/10	do	500,000
	16	do	750,000
	22/23	do	2,800,000
	26 (other than duck)[2]	do	400,000
	26 (duck)[3]	do	150,000
	27	do	100,000
Mexico	5-27 and part 64	do	12,000,000
	9/10	do	3,550,000
	22/23	do	4,650,000
	26/27 and part of 64 (knit fabrics).	do	3,800,000
Pakistan	9/10	do	5,000,000
	18/19 and part of 26 (printcloth)[1]	do	2,000,000
	Part of 26 (duck)[3]	do	1,000,000

[1] In Category 26, the T.S.U.S.A. numbers for printcloth are:
320...34 322...34 327...34
321...34 326...34 328...34

[2] Excluding T.S.U.S.A. numbers:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

[3] Including only those T.S.U.S.A. numbers excluded by footnote 2.

[FR Doc.74-4611 Filed 2-26-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

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 4H5045) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator (2 - chloroethyl) trimethylammonium chloride in molasses at 6 parts per million to provide for residues that may occur from use of the plant regulator in a proposed experimental program involving application to the growing crop sugarcane.

Dated: February 15, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-4622 Filed 2-26-74;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS ON FEDERAL AGENCY ACTIONS

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1974 and January 31, 1974.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: February 13, 1974.

J. M. MCCABE,
Acting Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Jan. 1, 1974, and Jan. 31, 1974

Identifying No.	Title	General Nature of Comments	Source for Copies of Comments
Atomic Energy Commission:			
D-AEC-06118-OH	Perry Nuclear Power Plant Units 1 and 2, Ohio	ER-2	A
Department of Agriculture:			
D-AFS-39073-MT	Deer Creeks Multiple Use Plan, Montana	ER-2	I
D-AFS-61174-AZ	Madera Canyon Land Use Plan, Coronado National Forest, Arizona.	LO-2	J
D-AFS-61176-FL	Juniper Springs Unit, Ocala National Forest, Marion and Lake Counties, Fla.	LO-2	E
D-AFS-65051-NV	Pinyon-Juniper Chaining Program on Forest Lands, Nevada.	LO-1	J
D-AFS-54052-NV	Herbicide Control of Sagebrush and Wyethia, Nevada	LO-1	J
D-AFS-65064-CA	Proposed Forest Reestablishment Program on National Forest Lands, California.	LO-1	J
D-AFS-99062-UT	Boulder Grover Rd., Utah	ER-2	I
D-SCS-36326-WI	First Capitol Watershed, Wisconsin	LO-2	F
D-SCS-36337-TX	Red Deer Creek Watershed Project, Texas	LO-2	G
Corps of Engineers:			
D-COE-32470-AR	McClellan-Kerr navigation system on Arkansas River, Ark.	ER-2	G
D-COE-32471-MS	Pascagoula River channel maintenance, Mississippi	LO-2	E
D-COE-32472-MS	Biloxi Harbor (dredging and navigation), Mississippi	ER-2	E
D-COE-34096-TX	Operation and maintenance program, Pat Mayse Lake, Sander Creek, Tex.	LO-2	G
D-COE-34101-TX	Freeport harbor, Freeport, Tex	LO-2	G
D-COE-35099-CA	Extension of entrance to Islais Creek Channel, San Francisco, Calif.	LO-2	J
D-COE-35102-CA	Operation and maintenance of Moro Bay Harbor, Calif	ER-2	J
D-COE-35105-VA	Parker Creek (maintenance dredging), Va	ER-2	D
D-COE-36178-PA	Wyoming Valley flood control, Susquehanna River, Pa	LO-1	D
D-COE-36275-NY	Revised Statement, flood control project, Saw Mill River, N.Y.	ER-2	C
D-COE-36336-MN	Local flood protection Vermillion River, Hasting, Minn	ER-2	F
D-COE-36348-MT	Food control plan for Flathead River, Kalispell, Mont	LO-1	I
D-COE-36349-AR	Revised statement, Cache River Basin flood control project, Ark.	ER-2	G
D-COE-36350-MO	Stockton Dam and Lake, Sac River (operation and maintenance) Mo.	ER-2	H
D-COE-39079-NY	Water Resources Development, Ellicott Creek Basin, N.Y.	ER-2	C
D-COE-42117-ND	Fort Yates Highway Bridge, Sioux and Emmons Counties, N. Dak.	LO-1	I
D-COE-99003-NY	Revised Statement, U.S. Postal Service Manhattan Vehicle Facility, New York.	ER-2	C
Federal Power Commission:			
D-FPC-03047-IA	Dallas Center Underground Storage Project, Iowa	LO-2	H
General Services Administration:			
D-GSA-81152-DE	U.S. Custom House Building, Wilmington, Del	LO-2	D
Department of Interior:			
D-IBR-39081-WY	Proposed Sale of Municipal and Industrial Water From Fontenelle Reservoir, Wyo.	LO-2	I
D-NPS-61170-CO	Wilderness Proposal Master Plan Rocky Mountain National Park, Colo.	LO-2	I
D-NPS-61173-00	Proposed Big South Fork, Kentucky and Tennessee	LO-2	E
D-NPS-61181-HI	Proposed Master Plan, Hawaii Volcanoes National Park, Hawaii.	LO-1	J
D-NPS-61183-HI	Proposed Wilderness Areas, Hawaii Volcanoes National Park, Hawaii.	LO-1	J
D-NPS-61207-AZ	Wilderness Proposal, Organ Pipe, Cactus National Monument, Ariz.	LO-1	J
D-SFW-64024-ID	Kooskia National Fish Hatchery, Idaho	LO-1	K
Department of Transportation:			
D-CGD-11049-HI	Proposed base Honolulu waterfront redevelopment, Hawaii.	LO-1	J
D-FAA-51325-KY	Madison Airport (proposed), Richmond, Ky	ER-2	E
D-FAA-51328-GA	Eastman-Dodge County Airport, Eastman, Ga	ER-2	E
D-FAA-51329-IN	Delaware County Airport, Muncie, Ind	LO-2	F
D-FAA-51331-AK	Sitka Airport, Alaska	LO-1	K
D-FAA-51332-MO	Perryville Municipal Airport, Perryville, Mo	LO-2	H
D-FAA-51333-MS	New Albany-Union County Airport, New Albany, Miss	LO-2	E
D-FAA-51334-GA	Louisville Municipal Airport, Ga	LO-2	E
D-FAA-51335-KY	Wayne County Airport, Monticello, Ky	LO-2	E
D-FAA 51336-ID	Caldwell Industrial Air Park, Canyon County, Idaho	LO-1	K
D-FAA-51337-NY	Syracuse-Hancock Airport, Syracuse, N.Y	ER-2	C
D-FAA-51813-ND	Mohall Municipal Airport, Mohall, N.Dak	LO-1	I
D-FAA-51815-WV	Jackson County Airport, Ravenswood, W.Va	ER-2	D
D-FAA-51817-KY	Hazard-Perry County Airport, Ky	LO-2	E
D-FAA-51818-MN	Roseau Municipal Airport, Roseau, Minn	LO-1	F
D-FHW-42059-MI	Construction, reconstruction of Russell Rd., M-52, Roger Highway, Mich.	LO-2	F
D-FHW-42066-CA	Route 84, Antioch Bridge, Contra Costa County, Calif	LO-1	J
D-FHW-42068-WI	U.S.H. 16, I-94 to Pewaukee Rd., Waukesha County, Wis.	OL-2	F
D-FHW-42070-AK	Steese Highway, mile 43.8 to Montana Creek, Alaska	LO-1	K
D-FHW-42071-AK	Richardson Highway, Canyon Creek to Shaw Creek, Alaska.	LO-1	K
D-FHW-42075-MI	Northwestern Highway, U.S. 24-M-275, Oakland County, Mich.	LO-2	F
D-FHW-42076-ND	Project F-1-810, Bismarck Avenue, Bismarck, N. Dak	ER-2	I
D-FHW-42078-DE	Highway/railroad grade separation, Ruthby Rd., New Castle County, Del.	LO-1	D
D-FHW-42079-MN	I-35 Interchange west of Owatonna, Steele County, Minn	LO-2	F
D-FHW-42083-CA	Freeway development on State Highway Route 20 in Nevada County, Calif.	LO-1	J
D-FHW-40286-MT	Mount Sloway east and west, superior west and superior La Vista projects, Mont.	LO-1	I
D-FHW-42089-AL	Shelby County, Project I-65-2(31), Ala	LO-2	E
D-FHW-42091-TX	U.S. Highway 281, Hidalgo County, Tex	LO-2	G
D-FHW-42097-NB	Project F-175(13), Highway N-2, Lincoln Arterial, Lancaster, Nebr.	ER-2	H
D-FHW-42101-NB	U.S. 30, Kearney east, Buffalo County, Nebr	LO-2	H
D-FHW-42105-SC	From U.S. 501 to U.S. 17, Horry and Georgetown Counties, S.C.	LO-2	E

Identifying No.	Title	General Nature of Comments	Source for Copies of Comments
D-FHW-42115-NH	Relocation of New Hampshire Route 111, New Hampshire	LO-1	B
D-FHW-42116-SD	F-020-7 and F-020-8, Lake and Moody Counties, S. Dak.	LO-1	I
Department of Defense:			
D-USN-10036-OK	Modernization of Plant "A" at the Naval Depot, Oklahoma.	LO-1	G
Tennessee Valley Authority:			
D-TVA-36341-TN	Brainerd Area Flood Relief Plan, Tennessee	LO-1	E

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections o the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that furher study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that a substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Jan. 1, 1974, and Jan. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
F-AEC-06071-NC	Shearon Harris Nuclear Power Plant Unit 1, 2, 3, and 4, N.C.	EPA determined that this project, as proposed, will result in violation of federally approved water quality standards and thus is unsatisfactory from the standpoint of environmental quality. This determination has been referred to the Council on Environmental Quality, pursuant to section 309(b) of the Clean Air Act. EPA is cooperating with the AEC in the evaluation of alternative methods of treating the heated water discharges from the proposed facility, which will enable the plant to be built and operated in an environmentally satisfactory manner, and AEC has issued a revised draft impact statement.	A
Corps of Engineers:			
F-COE-30056-GA	Tybee Island, beach erosion control project, Ga.	EPA generally agreed with project as proposed. However, EPA comments suggested use of "L" shaped or "T" shaped groins to reduce velocities along face of groin.	E
F-COE-35043-FL	Central and southern Florida project, Lake Okeechobee, Fla.	EPA expressed no objections to the project as as proposed.	E
Department of Transportation:			
F-FAA-51293-KY	Pikeville Pike County Airport, Pikeville, Ky.	EPA expressed no objections to the project as proposed.	E
F-FHW-41701-NC	Reconstruction of U.S. 74, 76, 17, Brunswick County N.C.	do	E
Department of Interior:			
F-NPS-61172-00	Proposed wilderness classification for Cumberland Gap National Historic Park, in Kentucky, Tennessee, and Virginia.	EPA did not review draft statement; requested more information on final statement regarding water quality, stream use, and fish species.	E

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JAN. 1, 1974, AND JAN. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-AFH-85013-00	7 CFR Part 1822—Rural Housing Loans and Grants.	EPA's comments commended the prohibition of loans for repairs to dwellings which do not or will not, after repairs are completed, have a water supply and waste disposal system which meet State standards and recommended a change in wording to assure that the dwellings meet the standards of the appropriate State water pollution control agency or State environmental protection agency.	A
R-AFS-65053-00	36 CFR Part 221—Timber, Timber Export, and Substitution Restrictions.	In EPA's view, the restrictions appear to be generally consistent with the goals of environmental protection. EPA suggested that the Forest service consider making available, to the public, and environmental assessment or, if the effects are potentially significant, an environmental impact statement.	A
R-SCS-86039-00	7 CFR Part 650—Preparation of Environmental Impact Statements Proposed Guidelines.	In EPA's view, the proposed guidelines are generally adequate; however, EPA suggested several revisions to strengthen the guidelines. EPA suggested that additional emphasis be placed on environmental standards and suggested several revisions in specific sections of the proposed guidelines.	A
R-AFS-86028-00	Notices—Environmental Statements—Proposed Guidelines for Preparation.	In EPA's view, the proposed guidelines are generally adequate; however, EPA suggested several modifications to specific sections which are intended to strengthen the guidelines.	A
R-DOA-86042-00	Notices—Environmental Impact Statements—Policy and Directives.	In EPA's view, the proposed revised regulations are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed regulations.	A
R-REA-86038-00	7 CFR Part 1701—Rural Electrification and Telephone Programs—Environmental Protection.	In EPA's view, the proposed revised regulations are generally adequate; however, EPA suggested several revisions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several sections of the proposed regulations.	A
R-DOA-25030-00	7 CFR Part 330, 9 CFR 94—Garbage—Notice of Hearing and Proposed Rulemaking.	EPA has reviewed the proposed regulations and has no objections from the standpoint of its jurisdiction under the solid waste disposal act as amended and other statutes administered by EPA.	A
Central Intelligence Agency:			
R-CIA-86036-00	Notices—National Environmental Policy Act—Proposed Procedures for Implementation.	The EPA reviewed the procedures to implement NEPA. The scope of CIA actions are limited to real estate matters only. EPA believes the scope should also include the operation and use of equipment, aircraft, vessels and other vehicles and property. EPA also recommended a change in the CIA's definition of environmental impact statement.	A
Corps of Engineers:			
R-COE-86032-00	33 CFR Part 212—Environmental Impact Statements—Proposed Policy, practice, and procedures.	In EPA's view, the proposed procedures are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed procedures.	A
Department of Defense:			
R-DOD-86033-00	32 CFR Part 214—Environmental Impact Statements—Proposed Procedures for Preparation and Processing.	In EPA's view, the proposed procedures are generally adequate; however, EPA suggested additional environmental laws and regulations for listing and cautioned the use of pesticides in a manner inconsistent with its labeling is illegal.	A
International Boundary And Water Commission:			
R-IBW-86041-00	Notices—Environmental Impact Statements—Operational Procedures.	In EPA's view, the proposed revised procedures are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed regulations.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Justice: R-JUS-86040-00	28 CFR Part 19—Environmental Impact Statements—Proposed Guidelines.	EPA comments were made regarding the identification of the "Responsible Official," and several clarifying suggestions were offered.	A
Tennessee Valley Authority: R-TVA-86037-00	Notices—Environmental Quality Management—Policy and Procedures.	In general, EPA feels that the TVA has developed a good procedure for implementing the environmental impact statement requirements and made several modifications to strengthen this procedure.	A
Department of Transportation: R-DOT-86029-00	Notices—Procedures for Considering Environmental Impacts.	EPA expressed general agreement with the DOT procedures for considering environmental impacts.	A
R-DOT-86044-00	49 CFR Part 520—Preparation of Environmental Impact Statements—Proposed Procedures.	EPA has no disagreements with the National Highway Traffic Safety Administration's procedures for preparation of environmental impact statements.	A
R-FAA-52067-00	14 CFR Chapter I—Initial Compliance with Aircraft Emission Standards Issued by EPA (Smoke and Fuel Venting Emissions).	EPA indicated that the FAA's proposed regulations lacked certain specific information describing how compliance will be demonstrated.	A
R-FHW-86030-00	23 CFR Parts 771, 790, 795—Environmental and Public Hearing Procedures.	EPA suggested considerable revision of the FHWA's proposed procedures. In general, EPA believes the FHWA procedures were not close enough in conformance to either DOT's procedures or CEQ's guidelines.	A
R-CGD-86043-00	Notices—Environmental Impact Statements—Procedures for Consideration.	The EPA feels that the Coast Guard has developed a good procedure for implementing the environmental impact statement process. Minor comments were made to clarify some sections of the proposed regulations.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-4323 Filed 2-26-74;8:45 am]

[OPP-50001]

PREDATOR CONTROL (COYOTES)

Notice of Issuance of Experimental Use Permit

On January 18, 1974, notice was given in the FEDERAL REGISTER (39 FR 2295) that specific procedures and plans for the experimental use of a sodium cyanide spring-loaded ejector unit in the State of Texas were being developed by the Environmental Protection Agency (EPA) in cooperation with that State. This program has been formulated and as published herein will hopefully serve as a model for any additional State requests, although some details and specifics may differ from the Texas program.

The Texas Department of Agriculture has applied to the EPA pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), for an experimental use permit. This permit (No. 33858-EXP-1G) is being issued in accordance with 40 CFR Part 162.19 as promulgated in the Federal Register on January 31, 1974 (39 FR 3939) and allows the use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in the 44 approved counties in the State of Texas, under the supervision and control of approved applicators as designated by the Texas Department of Agriculture.

This program began on February 8, 1974, and will expire on June 1, 1975; however, it may be invoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

The Agency invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (HM-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The comments must be received within 30 days from the publication of this notice and should bear the notation OPP-50001. Comments received on this program will be considered in the review of any future experimental use permits requested by other States.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN STATE OF TEXAS

I. *Purpose.* Sodium cyanide will be used in the spring-loaded ejector mechanism in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock losses due to predation by coyotes. This program will also evaluate the effect of the method on nontarget species.

II. *Control.* A. The program will be directed by the Texas Department of Agriculture in cooperation with the Texas Agricultural Extension Service and the Texas Agricultural Experiment Station. The State Coordinator of this program will be Alvin C. Ashorn.

B. The county agricultural extension agent in each county in the program will serve as county coordinator. The responsibilities of the county coordinator are as follows:

1. Work with designated representatives of the Texas Department of Agriculture to arrange for and coordinate the training of applicators.

2. Assist in gathering data reports from applicators, ranchers in control area, and the distributor. Report this data to the various cooperating agencies.

3. Maintain a list by name, address, and locations of land of each person certified as a qualified applicator and designated ranchers in the control area.

4. Assist applicators in obtaining information on special problems from technicians of the Rodent and Predatory Animal Control Service, Bureau of Sport Fisheries and Wildlife, Guilbeau Station, San Antonio, Texas.

C. The Texas Agricultural Extension Service will assume responsibility for seeing that the county agricultural extension agents in the counties concerned are fully apprised of their responsibilities in the conduct of the program to see that the duties outlined above are carried out in accordance with the intent of this proposal.

III. *Procedures for implementation*—A. *Applicators' qualifications.* Applicators of the SCSLEM will be ranchers or farmers holding land in the counties in the programs and/or their designated agents. These applicators will be approved by the Texas Department of Agriculture upon successful completion of an approved training program conducted by the State Coordinator. The training program will include information necessary for the operator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, actual setting of the mechanism, visitation periods, record keeping and reporting, proper storage of the chemical capsule and mechanism when not in use. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. *Distribution of chemical capsules and mechanisms.* Each county in the program will have one outlet for distributing capsules and spring-loaded ejector mechanisms approved by the Texas Department of Agriculture.

Mechanisms and capsules will only be available to qualified SCSLEM applicators.

These qualified applicators may purchase the capsules and mechanisms only from approved distribution points. Capsules may be purchased by qualified applicators for use in the spring-loaded ejector mechanisms already owned, provided the mechanism owners agree to abide by the conditions of the experimental use program and reporting system. No explosive devices will be permitted.

The antidote, amyl nitrate capsules, must be available for purchasers of the SCSLEM at each distribution point. Each purchaser must be advised of the antidote and the availability of this antidote at the time of purchase of capsules and/or mechanisms.

A record of each applicator who obtains the chemical capsules and/or mechanisms will be kept. These records will include:

1. Names of qualified applicator of the SCSLEM and name of one other person who will be knowledgeable of the site locations of the SCSLEM's or written direction from the ranch headquarters to the SCSLEM sites and have each site marked.
2. Name of ranch or farm owner.
3. Location of ranch or farm headquarters, directions and mileage from nearest town.
4. The number of acres and livestock by type on the ranch.
5. The number of capsules and mechanisms purchased.
6. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.
7. Permission must be granted at time of purchase by the applicator to allow representatives of the Texas Department of Agriculture or their designated agents, Environmental Protection Agency and the Rodent and Predatory Animal Control Service to enter upon their property for the purpose of inspecting and monitoring the SCSLEM site locations and the livestock losses. Any person found to be using the materials improperly will have his classification as a qualified applicator revoked and will be denied further use of the device and capsules, and may be subject to the civil and criminal penalties under the Federal Insecticide, Fugicide, and Rodenticide Act. Furthermore, failure to adhere to the provisions of this program on the part of any county coordinator, distributor, landowner, applicator or other persons engaged in this program may result in suspension of the program within the county in question for a period of not less than 3 months.
8. Number of livestock losses in 1973 (need only be included in first monthly report).
   a. to coyotes.
   b. to other known causes (listed by name).
   c. to unknown causes.

C. *Data reporting.* Each applicator must submit the following information to the county coordinator at least once each month or when he purchases additional capsules and/or devices, whichever comes first.

1. Name of ranch, farm and name of owner.
2. Type of ranch or farm operation [cattle, horses, sheep or other, including the type of livestock production conducted, i.e., range (herded, fenced pastures), ewe lamb, purebred, farm flock, feeder lambs (pasture, feedlot), etc.].
3. Name of applicator of SCSLEM.
4. Number of SCSLEM's in use in each month.
5. Number of capsules used each month.
6. Number of coyote and nontarget species taken each month.
7. Number of discharges each month which results in no animal recovery.
8. Number of livestock losses each month of SCSLEM use.
   a. to coyotes.
   b. to other known causes (list by name).
9. Accidents causing injury to humans or livestock.
10. Other control measures used at the same time that SCSLEM's are in use.

IV. *Data summarization and analysis.* A. The Texas Agricultural Extension Service, through the designated county Extension Agency, will be responsible for collecting required SCSLEM data report forms from qualified applicators. These data report forms will be referred to the Texas Agricultural Experiment Station for their summary and computation of data. Copies of these data report forms shall be sent to the State Coordinator and Pesticide Director of the Environmental Protection Agency Region VI office. The Rodent and Predatory Animal Control Service will collect requested data from control areas where the SCSLEM is not used and send this data to the Texas Agricultural Experiment Station for summarization and comparison with data from SCSLEM use areas.

The data from control areas will consist of livestock losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, snaring, shooting, denning and other methods.

A precensus of livestock to be protected and the index of coyote populations both in the control areas and in those counties in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use. This information will be provided as indicated in paragraph B of this section.

A postcensus of livestock populations and the index of coyote populations will be conducted in both areas at the completion of the program.

B. Additional census and loss data will be supplied by the U.S. Crop and Livestock Reporting Service, USDA. This data will give the number of sheep in each county and number lost to predators in 1973 (the only full year when the SCSLEM or similar devices were not in use), as compared to losses in 1974. This information is to be obtained by polling of producers by mail, phone, and personal contacts. The Rodent and Predatory Animal Control Service will provide estimated coyote populations for the same years.

C. This program will begin about February 8, 1974, and end June 1, 1975. No mechanism or capsules may be distributed after May 1, 1975. All unused capsules must be returned to distribution points before June 15, 1975. Final data summaries and analyses must be submitted to the Registration Division of the Environmental Protection Agency, Washington, D.C., by August 15, 1975.

D. Use of the SCSLEM will not be permitted in a county designated as inhabited by endangered or threatened species which may be attracted to the SCSLEM, such as the red wolf.

V. *Experimental program.* A. This program will be conducted in areas of the Biotic Provinces of:

Kansan—Borden, Callahan, Coleman, Cottle, Crane, Dickens, Glasscock, King, Midland, Mitchell, Scurry, Sterling, Taylor, and Upton.

Chihuahuan — Jeff Davis, Pecos, and Presidio.

Balconian — Bexar, Kinney, McCulloch, Medina, Mills, San Saba, and Uvalde.

Texan. Bell, Bosque, Brown, Burnet, Comanche, Coryell, Erath, Hamilton, Hood, Lampasas, McLennan, Milam, Stephens, and Williamson.

Tamaulipan. Brooks, Jim Wells, Kenedy, Kleberg, Nueces, and Willacy.

The designated counties in each Biotic Province were selected on the material basis of the occurrence of greatest predation losses of livestock. The areas selected also differ in climatic and geographic conditions.

1. Areas will be selected in each approved county where the SCSLEM will be used by the qualified applicators to control predation.
2. Estimated numbers of devices and capsules that will be permitted to be purchased and set in each Biotic Province by the qualified applicators:

Kansan. 1,300 mechanisms and 13,000 capsules.

Chihuahuan. 600 mechanisms and 6,000 capsules.

Balconian. 600 mechanisms and 6,000 capsules.

Texan. 700 mechanisms and 7,000 capsules.

Tamaulipan. 700 mechanisms and 7,000 capsules.

Total for the Program. 3,900 mechanisms and 39,000 capsules.

3. All expenses incurred in purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the qualified applicators.
4. Control areas shall be selected in the following ten counties: Brown, Comanche, Glasscock, Jeff Davis, Jim Wells, Kinney, Midland, Nueces, Presidio, and Uvalde. These areas will be representative of areas where SCSLEM's are used. No SCSLEM's will be used in control areas. Other methods of controlling will be permitted, such as trapping, snaring, shooting, and denning. These control areas shall total at least 100 square miles in area, and shall be at least 5 miles from the nearest site where SCSLEM's are used.

These counties may be changed prior to initiation of the program if the change has been approved by the Environmental Protection Agency. This system of control areas will be reevaluated by EPA and the Texas Department of Agriculture before next spring.

B. Work to be accomplished:

1. Training of qualified applicators.
2. Establishment of distribution points and methods for the distribution of the mechanism and antidote to qualified applicators.
3. Collection of program data from qualified applicators.
4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Texas Department of Agriculture and EPA.
5. Establishment of a method to evaluate selectivity of the SCSLEM's.
6. Establishment of a method to evaluate the program as a mechanism for measuring efficacy of the SCSLEM's in order to meet the program objectives.
7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife, the U.S. Department of Agriculture's W-123 Predator Control Research Committee, and the USDA Economic Research Service's study on the economic aspects of the livestock industry and predator control.
8. Establishment of a method for an economic analysis of coyote control with the SCSLEM's.
9. Establishment of methods to census the livestock and coyote populations in the SCSLEM use areas and the areas where no SCSLEM's were used.
10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEM's are in use.
11. Submission of all data to the Texas Agricultural Experiment Station for summarization, analysis and distribution to the Texas Department of Agriculture and the Environmental Protection Agency.

C. Objectives of this study are to:

1. Determine the effects of the SCSLEM's on livestock losses where the SCSLEM's are

used as compared to livestock losses where the SCSLEM's are not used.

2. Determine the effects of the use of SCS LEM's on the nontarget species in the SCS LEM use areas.

3. Determine the cost of controlling coyotes with the SCSLEM's as compared to trapping, snares, shooting, denning, or other methods used to control coyotes in Texas.

4. Determine the selectivity of the SCS LEM's when used to control coyotes.

5. Determine the effects of the use of the mechanisms in coyote control with regard to human safety.

6. Determine the effectiveness of the use of other coyote control methods relative to the effectiveness of the SCSLEM's.

7. Determine the economic benefits derived from the use of the SCSLEM's and other methods of controlling coyotes in Texas.

8. Determine the amount of coyote control that can be achieved through the use of the SCSLEM's without causing "unreasonable adverse effects" on the environment.

Dated: February 22, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-4623 Filed 2-26-74;8:45 am]

[OPP-32000/16]

NOTICE OF 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 29, 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 reasonable 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 for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, 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 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 6704-TG. Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. *Compound PA-14 Avian Stressing Agent.* Active Ingredients: α-Alkyl (C11-C15)-*omega*-hydroxypoly(oxyethylene); average poly(oxyethylene) content 9 moles 99.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 1839-31. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *BTC-8358.* Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-33. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *BTC-8248-80%.* Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-34. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *BTC-2125-80%.* Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40.%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-54. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *BTC 2125M-80%.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 40%; n-Alkyl (68% C12, 32% C14), dimethyl ethylbenzyl ammonium chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-4405 Filed 2-26-74;8:45 am]

[OPP-36002-4-5]

REGISTRATION OF PESTICIDES

Notice of Denial of Registration

Correction

In FR Doc. 74-3917 appearing on page 6144 of the issue for Tuesday, February 19, 1974, immediately above the last line of the second paragraph insert the following: "army worm, orange dog caterpillar, and".

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19935, 19936; Files Nos. BPH-8192, BPH-8243]

BREEZE 94 INC. AND WHOO RADIO INC.

Order Designating Applications for Consolidated Hearing

In re applications of Breeze 94, Inc., Marathon, Florida, Requests: 94.3 MHz, #232; 3 kW(H&V); 107 feet, Docket No. 19935, File No. BPH-8192. WHOO Radio, Inc., Marathon, Florida, Requests: 94.3 MHz, #232; 3 kW(H&V); 159.8 feet, Docket No. 19936, File No. BPH-8243; For construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. The WHOO Radio, Inc., application proposes to duplicate the programming of the commonly owned station WFFG (AM) 100 percent of the time. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

4. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

6. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall reasonably file the statement required by § 1.594(g).

Adopted: February 15, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-4575 Filed 2-26-74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE; PANEL 2

Notice of Meeting

FEBRUARY 20, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Panel

2 Committee of the Cable Television Technical Advisory Committee on Friday, March 1, 1974, to be held at the FCC Cable Television Bureau, 2025 M Street NW., Washington, D.C., beginning at 10 a.m. in Room 6331.

(1) Review of minutes of previous meeting.
(2) Working group reports (Groups 1 through 5).
(3) New business.

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street NW., Washington, D.C. 20554—Telephone No. 202–632–6468.

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

[FR Doc.74–4577 Filed 2–26–74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE; PANEL 5

Notice of Meeting

FEBRUARY 20, 1974.

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Panel 5 Committee of Cable Television Technical Advisory Committee on Thursday, February 28, 1974, to be held at O'Hare International Towers, O'Hare Airport, Chicago, Illinois, beginning at 9:30 a.m.

(1) Discussion and review of working minutes of January 15 meeting.
(2) Review of report of Working Group No. 4.
(3) Review of additional inputs from Working Group No. 1.
(4) Discussion of material received by the Chairman between January 15 and date.
(5) Report of activities of IEEE–FAA Working Subcommittee.
(6) Review of draft of Chairman's Proposal letter to the steering committee.
(7) New business.
(8) Date and place for next meeting.
(9) Adjournment.

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street, NW., Washington, D.C. 20554—Telephone No. 202–632–6468.

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

[FR Doc.74–4578 Filed 2–26–74;8:45 am]

WPRY RADIO BROADCASTERS, INC. AND NEW, PERRY, FLA.

Standard Broadcast Applications

The following application seeking the facilities of station WPRY, Perry, Florida, has been tendered. In a decision released May 30, 1973, the Commission denied an application for renewal of the license of WPRY. WPRY Radio Broadcasters, Inc., 40 FCC 2d 1183, 27 RR 2d 1043. Accordingly, the Commission has waived the pertinent provisions of section 73.37 of the rules and accepted this application for filing. Similarly, the Commission will accept any other applications for consolidation with the following application which propose essentially the same facilities.

NEW, Perry, Florida
His World, Inc.
Req: 1400 kHz, 250 W, 1 kW–LS, U

Pursuant to the provisions of §§ 1.227 (b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application must be tendered no later than April 9, 1974.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 21, 1974.

Released: February 21, 1974.

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

[FR Doc. 74–4576 Filed 2–26–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–416]

HYDROCARBON DEVELOPMENT CORP.

Notice of Application

FEBRUARY 21, 1974.

Take notice that on January 28, 1974, Hydrocarbon Development Corp. (Applicant), P.O. Box 2806, Corpus Christi, Texas 78403, filed in Docket No. CI74–416 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Petroleum Management, Inc. (Petroleum), and delivery of said gas to Texas Eastern Transmission Corporation (Texas Eastern), in Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Application states that it owns a 8.6789-mile eight-inch pipeline in Willacy and Hidalgo Counties, Texas, which it acquired from Lumar Gas Corporation. In order to construct this, Lumar Gas Corporation borrowed money from Occidental Petroleum Corporation (Occidental) in 1966, on the condition that it be repaid at the rate of 1.0 cent for each Mcf of gas to be transported through said line for Occidental. Applicant submits that after assuming this obligation it has continued to pay Occidental according to this agreement for the transportation of Occidental's gas but the full repayment of such loan indebtedness solely on the basis of this transportation, averaging 4,000 Mcf per day, is now doubtful.

Applicant herein proposes to use this line transport gas from Petroleum's No. 1 Yturria Cattle Company dual gas well in the Lacal Field Area of Willacy County to a point on Texas Eastern's 30-inch main line in Hidalgo County, Texas. Applicant proposes to charge a rate of 2.5 cents per Mcf for the first 90,000 Mcf of gas and 1.5 cents per Mcf for all gas thereafter transported. Applicant indicates that Petroleum has received Commission authorization to sell up to 6,000 Mcf of gas per day from this area to Texas Eastern in Docket No. CI74–207. Applicant states that at the present time it is transporting for Petroleum 3,000 Mcf of gas per day and that it anticipates transporting not more than 5,000 Mcf of gas per day. Applicant submits that it is not requesting authorization to construct any facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–4570 Filed 2–26–74;8:45 am]

[Docket No. CI74–411]

LONE STAR PRODUCING CO.

Notice of Application

FEBRUARY 20, 1974.

Take notice that on February 1, 1974, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas,

Texas 75201, filed in Docket No. CI74–411 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Oaks Field, Claiborne Parish, Louisiana, and delivery of said gas to Beacon Gasoline Company for redelivery to United in Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas from the subject acreage to United on October 18, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all the gas from the subject acreage to United, approximately 45,000 Mcf per month, at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–4566 Filed 2–26–74;8:45 am]

[Docket No. RM74–9]

LOUISIANA

Severance Tax; Increased Rate Filings; Order Denying Rehearing

FEBRUARY 22, 1974.

United Gas Pipe Line Company (United) on January 25, 1974, filed an application for rehearing of Order No. 500 issued December 28, 1973, in the above-entitled proceeding. The Commission in that order simplified the procedure for increased rate filings made by producers as a result of the recent increase in the Louisiana severance tax. The order also provided that any filing made by a producer pursuant to that order on or before January 31, 1974, would be effective as of January 1, 1974, and that any filing made after January 31, 1974, would be effective as of the date of filing. Finally, the order permitted pipelines with purchased gas adjustment clauses to accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to the order.

The basic thrust of United's application for rehearing is that the Commission by including a provision in Order No. 500 permitting the accumulation of increased purchased gas costs in deferred accounts has foreclosed pipelines from the early current recovery of Louisiana severance tax increases. United's basic premise is in error. While the provision in Order No. 500 to which United objects permits the inclusion of increased purchased gas costs in deferred accounts,[1] it does not preclude a pipeline from making a proper filing under section 4 of the Natural Gas Act and pursuant to the applicable regulations thereunder.

In view of the foregoing, we shall deny United's application for rehearing.

United's application for rehearing presents no new facts or principles of law which were not fully considered by the Commission in Order No. 500, or, which having now been considered, warrant any modification of that order.

The Commission orders:

The application for rehearing filed by United on January 25, 1974, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–4572 Filed 2–26–74;8:45 am]

[1] This same provision was also included in Order No. 456 issued August 4, 1972, and Order No. 456–B issued September 15, 1972, involving earlier Louisiana tax increases.

[Docket No. RP71–16, etc.]

MIDWESTERN GAS TRANSMISSION CO.

Proposed Northern System PGA Rate Adjustment

FEBRUARY 21, 1974.

Take notice that on February 14, 1974, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fourth Revised Sheet No. 5 and Substitute Fourth Revised Sheet No. 5, to be effective April 1, 1974.

Midwestern states that the sole purpose of filing these revised tariff sheets is to reflect a Current Purchased Gas Cost Rate Adjustment for the Northern System pursuant to section 2 of Article XVIII. The PGA rate increase is based on the proposed amendments to Midwestern's first two contracts with TransCanada PipeLines Limited (TransCanada) which provide that the price paid by Midwestern shall not be less than 105 percent of the price charged by TransCanada for comparable sales in its Manitoba rate zone as provided in Midwestern's third contract with TransCanada. Midwestern's petition to amend its import authorizations for the first two contracts to reflect such proposed amendments is pending before the Commission in Docket Nos. G–18314, et al. Midwestern also states that by orders issued January 23, 1974, the Canadian National Energy Board amended TransCanada's export licenses for its sales to Midwestern under the first two contracts to require a price reflecting the 105 percent provision in the proposed amendments, effective as of April 1, 1974.

Midwestern states that Fourth Revised Sheet No. 5 is based on the application of the 105 percent provision of all three contracts to the rates of TransCanada for comparable sales filed with the National Energy Board on December 21, 1973, and expected to be effective on or before April 1, 1974. Midwestern further states that in the event that such rates are not effective on April 1, 1974, Substitute Fourth Revised Sheet No. 5 is filed in the alternative based on the application of the 105 percent provision to TransCanada's presently-effective rate for comparable sales in Manitoba.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

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 March 8, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–4573 Filed 2–26–74;8:45 am]

[Dockets Nos. E-7690, E-7480]

NEPOOL POWER POOL AGREEMENT

Order Denying Motion; Correction

FEBRUARY 13, 1974.

In the Order Denying Motion to Terminate Investigation and Hearing in Docket No. E-7690, Granting Intervention and Disposing of other Procedural Matters in these Proceedings, issued January 22, 1974 and published in the FEDERAL REGISTER January 28, 1974, 39 FR 3592.

Page 3594, Ordering Paragraph (B) is corrected to read:

The Amendments to the NEPOOL Agreement dated March 1, 1973, filed with the Commission on June 8, 1973, with the rate schedule designations stated in Appendix A to this Order, are accepted for filing effective May 1, 1973.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

New England Power Pool Agreement Rate Schedule Designations.

Instrument: Agreement Amending NEPOOL Power Pool Agreement.
Dated: March 1, 1973.
Filed: June 8, 1973.
Effective: May 1, 1973.

The above instrument will be designated as Supplement No. 3 to the following Rate Schedules.

Company:	*Rate Schedule FPC No.*
Bangor Hydro-Electric Co	15
Blackstone Valley Electric Co	13
Boston Edison Co	59
Brockton Edison Co	9
Cambridge Electric Light Co	14
Canal Electric Co	11
Central Maine Power Co	35
Central Vermont Public Service Corp	79
The Connecticut Light and Power Co	57
Citizens Utilities Co	13
Fall River Electric Light Co	16
Fitchburg Gas and Electric Light Co	9
Granite State Electric Co	7
Green Mountain Power Corp	40
The Hartford Electric Light Co	45
Holyoke Power & Electric Co	15
Holyoke Water Power Co	24
Massachusetts Electric Co	45
Montaup Electric Co	17
The Narragansett Electric Co	31
New Bedford Gas and Edison Light Co	15
New England Power Co	229
Public Service Co. of New Hampshire	55
The United Illuminating Co	23
Vermont Electric Power Co., Inc	145
Vermont Marble Co	1
Western Massachusetts Electric Co	62

The Agreement Amending NEPOOL Power Pool Agreement is also designated as Supplement No. 1 to Newport Electric Corporation, Rate Schedule No. 4.

[FR Doc.74-4574 Filed 2-26-74;8:45 am]

[Docket No. E-8616]

PUBLIC SERVICE COMPANY OF COLORADO

Initial Rate Filing

FEBRUARY 20, 1974.

Take notice that on February 4, 1974, Public Service Company of Colorado (Company) tendered for filing as an initial rate schedule in accordance with § 35.13 of the regulations under the Federal Power Act, a Power Purchase Agreement dated October 2, 1973, between the Company and Intermountain Rural Electric Association for wholesale electric service. In addition, the Company filed two tariff supplements in the form of contract modification agreements between the Company and Home Light and Power Company and Southern Colorado Power Division.

The Company states that the reasons for the change are to provide for service to the new small wholesale rate customer with approximate schedule designation of the contractual document and to supplement two existing schedules and modification agreements revising portions of the primary sales agreements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-4565 Filed 2-26-74;8:45 am]

[Docket No. E-8622]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

FEBRUARY 21, 1974.

Take notice that on February 8, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement, dated December 2, 1973, to the Agreement designated as Virginia's Rate Schedule FPC No. 87-17 between Virginia and Virginia Electric Cooperative. Said supplement requests Commission authorization for a change in transformer capacity from 2.5 MVA to 1.5/1.875 FA MVA because of alleged transformer failure. Virginia requests an effective date of November 6, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 7, 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 petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-4569 Filed 2-26-74;8:45 am]

[Project No. 2702]

ARIZONA POWER AUTHORITY

Notice of Application for Surrender of Preliminary Permit

FEBRUARY 20, 1974.

Public notice is hereby given that application for surrender of preliminary permit was filed January 10, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by Arizona Power Authority (Correspondence to: Mr. Marshall Humphrey, Chairman, Arizona Power Authority, P.O. Box 6694, Phoenix, Arizona 85005; copies to: Mr. Dale E. Doty, 1709 New York Avenue NW., Suite 303, Washington, D.C. 20006) for its proposed Havasu Pumped Storage Project No. 2702, to have been located on the Bill Williams Arm of Lake Havasu about six miles east of Parker Dam on the Colorado River, in the region of Parker, Yuma County, Arizona. The project would affect lands within a United States Wildlife Refuge and other lands of the United States.

According to the original application, the Havasu Pumped Storage Project would consist of: (1) Havasu Lake as the lower reservoir (Havasu Lake is created by the Bureau of Reclamation's Parker Dam and is the forebay from which water is pumped into the Colorado River Aqueduct for domestic water supply to Los Angeles and other Southern California cities); (2) Buckskin Reservoir as the upper reservoir with storage capacity of about 25,000 acre-feet; (3) an upper canal and tunnel; (4) surge shaft; (5) lower tunnel; (6) four penstocks; (7) a powerhouse containing four units rated 250,000 kw each; (8) a lower canal; (9) transformers and a switchyard with initial provisions for later connection to the proposed Central Arizona Project; and (10) appurtenant facilities. The energy created thereby would have been used to supply peaking power to Arizona, Southern California, and Nevada.

A thirty-six month preliminary permit for Proposed Project No. 2702 was issued November 18, 1970 (44 FPC 1443), and modified by order issued December 6, 1972 (48 FPC 1201).

Applicant requests that its preliminary permit be terminated because of the indefinite status of the development plans of the Bureau of Reclamation's Central Arizona Project as they affect the possible construction, economics, and financing of the proposed Havasu Pumped Storage Project. Thus, applicant states that it is not in the interest of the people of Arizona to expend further monies at this time on additional studies and surveys for the project.

Any person desiring to be heard or to make protest with reference to said application should on or before March 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-4562 Filed 2-26-74;8:45 am]

[Docket No. RI74-155]

JOHN P. BOOTH & ASSOCIATES

Notice of Petition for Special Relief

FEBRUARY 20, 1974.

Take notice that on February 11, 1974, John P. Booth & Associates (Petitioner), 209 Philtower Building, Tulsa, Oklahoma 74103, filed a petition for special relief in Docket No. RI74-155, pursuant to Order No. 481.

Petitioner proposes with respect to five gas wells in Clark County, Kansas, to install compression facilities so as to increase the reservoir pressures and thereby extend the productive life of the Morrow reservoir. Petitioner states that sales of natural gas from said leases to Northern Natural Gas Company have declined because of reduced reservoir pressures, making further production uneconomical at existing prices. Petitioner requests approval of an increase from 25¢ to 30¢ per Mcf in order to recover the costs of installing the said compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-4563 Filed 2-26-74;8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice of Postponement of Prehearing Conference

FEBRUARY 20, 1974.

The Commission Order issued December 13, 1973, suspending proposed changes in rates and setting the above-designated matter for hearing, scheduled a prehearing conference for February 26, 1974. It now appears that a calendar conflict involving the Presiding Administrative Law Judge requires that the prehearing conference be postponed.

Notice is hereby given that the prehearing conference in the above-designated proceeding is postponed to March 5, 1974, at 10:00 a.m. EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C. 20426. The other dates set in the order of December 13, 1973, are unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-4564 Filed 2-26-74;8:45 am]

[Docket No. RP72-122]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in Rates

FEBRUARY 21, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on February 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 2.20 cents per Mcf.

CIG asserts that the filing is made pursuant to the provisions of Section 21 of CIG's Gas Tariff, Second Revised Volume No. 1, which authorizes the Company to change its rates to reflect increases in its cost of purchased gas. Included in the increase of 2.20 cents per Mcf is (1) an adjustment to recover the increased purchased gas costs CIG will experience as the result of the January 30, 1974, rate filing by CIG's pipeline supplier, El Paso Natural Gas Company, and the February 1974 rate filing by another of CIG's pipeline suppliers, McCulloch Interstate Gas Corporation, and (2) an adjustment to recover accumulated unrecovered purchased gas costs for the period July 1, 1973, through December 31, 1973. CIG requested a waiver (if required) of a portion of its tariff to allow the recovery of the unrecovered purchased gas cost balance over a six-month period beginning April 1, 1974. The filing is proposed to be effective April 1, 1974, the requested effective date of the El Paso and McCulloch increases to CIG.

CIG states that included in its filing are alternate tariff sheets which reflect an adjustment of .59 cent per Mcf representing only the increased costs from the El Paso and McCulloch filings. CIG has requested that these alternate sheets be made effective in lieu of the revise sheets should the Commission not grant the unrecovered purchased gas cost portion of the 2.20 cents per Mcf adjustment.

GIG asserts that copies of this filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

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 N.E., 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 bebefore March 8, 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. 74-4571 Filed 2-26-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL GROUP OF NEW HAMPSHIRE, INC.

Acquisition of Bank

First Financial Group of New Hampshire, Inc. (formerly The Manchester Corporation), Manchester, New Hampshire, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Nashua Trust Company, Nashua, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Financial Group of New Hampshire, Inc. is also engaged in the following nonbank activities: real estate planning, management and consulting. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1974.

Board of Governors of the Federal Reserve System, February 15, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4553 Filed 2-26-74;8:45 am]

FIRST ILLINOIS BANCSHARES CORP.

Formation of Bank Holding Company

First Illinois Bancshares Corporation, Alton, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank and Trust Company, Alton, Illinois. The factors that are considered inacting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 15, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4552 Filed 2-26-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, March 5, 1974, from 9:30 a.m. to 4 p.m., Room 6A22, Federal Building, 819 Taylor Street, Fort Worth, Texas. This meeting will be for the purpose of considering Architect-Engineering firms for design services for an open end, fixed price contract for a one year term for work in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

IVAN D. EYLER,
Acting Regional Administrator.

[FR Doc.74-4600 Filed 2-26-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DOMESTIC COAL CO. ET AL.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for 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. 4147-000, DOMESTIC COAL COMPANY, Mine No. I-5, Mine ID No. 15 03015 0, Drift, Kentucky.

(2) ICP Docket No. 4238-000, CHESTNUT RIDGE MINING COMPANY, Chestnut Ridge No. 1 Mine, Mine ID No. 36 01329 0, Clymer, Pennsylvania.

(3) ICP Docket No. 4261-000, W. & B. COAL COMPANY, Elkhorn Seam No. 3 and No. 3 Mine, Mine ID No. 15 04022 0, Mousie, Kentucky.

(4) ICP Docket No. 4055-000, IVY BRANCH COAL COMPANY, INC., Mine No. 7, Mine ID No. 44 032333 0, Prater, Virginia.

(5) ICP Docket No. 4223-000, DOUGLAS VAN DYKE COAL COMPANY, INC., Mine No. 2, Mine ID No. 44 01587 0, Richlands, 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 1699 (83 Stat. 742, et seq., Public Law 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 20, 1974.

[FR Doc.74-4528 Filed 2-26-74;8:45 am]

J. B. HURLEY COAL CO.

Opportunity for Public Hearing; Correction

In FR Doc. 74-2511, appearing at page 4008, in the issue for Thursday, January 31, 1974, in the third line of the fourth docket listing, "Mine ID No. 36 01787 0," should read "Mine ID No. 36 01287 0."

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 20, 1974.

[FR Doc.74-4527 Filed 2-26-74;8:45 am]

KASKAN COAL CO.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for 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.

ICP Docket No. 4282-000, KASKAN COAL COMPANY, Kaskan Mine, Mine ID No. 36 01022 0, Apollo, Pennsylvania.

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., Public Law 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 21, 1974.

[FR Doc.74-4529 Filed 2-26-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF INFORMATION REPORTS

Listing

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 22, 1974. (44 U.S.C. 3509) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Computer Data Communications Questionnaire; Form ____; single time; IS; data communications professionals.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard; Nationwide Boating Survey; Form _____; single time; EGG/Wann/Lowry; individuals.

REVISIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service; Regulations—Viruses, Serums, Toxins, and Analogous Products; Form ____; occasional; Lowry; biologics producers.

Agricultural Stabilization and Conservation Service; Notice of Commodity Availability (For Voluntary Relief Agencies); Form CCC 512 (MP); Occasional; Evinger; voluntary agencies.

DEPARTMENT OF THE INTERIOR

Bureau of Mines; Magnesium; Form 6–1081–A; Annual; weiner; consumers of magnesium metal.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service; Regulation Governing the Importation of Dates; Form ____; occasion; Evinger; importers and users of dates for processing.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration; General Authorization for Medical Information; Form SSA 827B; occasional; Evinger (x).

Claimant's Authorization to Attending Physician; Form SSA 827A; occasional; Evinger (x).

Outpatient Physical Therapy Provider Statement of Reimbursable Cost; Form SSA 2088; annual; Evinger (x).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration; Survey of Bus Riders (Opinion Survey to Evaluate New Bus Stop Signs in Philadelphia); Form ____; Single time; Foster; riders of Walnut & Chestnut St. buses in Philadelphia.

Contractors Qualifications and Information; Form PR 50; occasional; Evinger (x).

State Highway Department Federal-Aid Highway Construction Summary—Equal Opportunity Compliance Review; Form ____; occasional; Evinger (x).

Equal Employment Opportunity Prequalification of Federal Aid Highway Construction and Subcontractors Specific Equal Employment Opportunity Responses—Federal Aid Highway Construction Project; Form ____; occasional; Evinger (x).

Federal-Aid Highway Construction Contractors Monthly EEO Report; Form PR 1391; occasional; Evinger (x).

Federal Aid Highway Construction Summary of Employment Data (Including Minority Breakdown for all Federal Highway Projects for Month ending July 31, 19__; Form PR 1392; annual; Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-4742 Filed 2-26-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-38494 (22-6295); 2-41412 (22-6810)]

FIRST MORTGAGE INVESTORS

Notice of Application and Opportunity for Hearing

FEBRUARY 14, 1974.

Notice is hereby given that First Mortgage Investors (the "Trust") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank of New York under two indentures heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Chemical Bank is presently acting as trustee under an Indenture dated as of November 1, 1970 between Chemical Bank as trustee and Median Mortgage ed by a First Supplemental Indenture, dated October 25, 1973 (the "1978 Indenture"), pursuant to which $16,000,000 principal amount of Senior Debentures due 1978 of the Trust were originally issued. All of such principal amount was outstanding at December 31, 1973. Chemical Bank is presently acting as trustee under an Indenture dated as of September 15, 1971 between Chemical Bank as trustee and Median Mortgage Investors ("Median") as amended by First Supplemental Indenture dated as of March 5, 1973 and by a Second Supplemental Indenture dated as of October 31, 1973 (the "Median Indenture"), providing for the issuance of 7% Debentures pursuant to which $25,000,000 principal amount of 7% Debentures due 1981 were originally issued. All of such principal amount was outstanding at December 31, 1973. The Trust succeeded Median Mortgage Investors as obligor under the Median Indenture by reason of the acquisition by the Trust of all of the assets of Median and the assumption by the Trust of all of Median's obligations on October 31, 1973. In connection therewith, the Trust and Chemical Bank entered into the Second Supplemental Indenture to the Median Indenture on October 31, 1973, referred to above, pursuant to which the Trust specifically succeeded to the rights and obligations of Median under the Median Indenture.

(2) The 1978 Indenture and the Median Indenture were qualified under the Trust Indenture Act as No. 22-6295 and No. 22-6810, respectively. Each Indenture contains the provisions permitted by the proviso of section 310(b)(1) of the Trust Indenture Act.

(3) The obligations of the Trust under the 1978 Indenture and under the Median Indenture are wholly unsecured and each such obligation ranks equally with the other. The Trust is not in default under either Indenture.

(4) The terms of the Indentures differ in respect of interest rates, maturity, sinking funds provisions, percentages of debt holders required to effect modifications of their terms and in several other respects. The terms of the Indentures also vary with respect to the types of investments the issuer may make, the type of liens it may create on its assets, the items constituting distributable net income and other restrictions imposed on the issuer's activities. Furthermore, the 1978 Idenuture contains a cross-default provision, not contained in the Median Indenture, which provides that it shall constitute an event of default under such Indenture if an event of default shall happen and continue under any other instrument evidencing the Trust's indebtedness and such indebtedness shall have been accelerated so that it becomes due and payable. The Trust is not in default under any of these covenants nor under the terms and provisions of any other instrument so as to create a default under the cross-default provision contained in the 1978 Indenture. Each of the Indentures provides that if the trustee has or acquires a conflicting interest as defined therein, it shall eliminate such conflict or resign within 90 days after ascertaining that it has such a conflicting interest.

(5) Such differences as exist between the two indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said Indentures.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the

interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

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

[FR Doc.74-4542 Filed 2-26-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 454]

ASSIGNMENT OF HEARINGS

FEBRUARY 22, 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-F-11626, Eastern Freight Ways, Inc.—Investigation of Control—Associated Transport, Inc., MC-F-11632, Eastern Freight Ways, Inc.—Control and Merger—Associated Transport, Inc., now being assigned hearing April 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8102, Hagerstown Motor Express Co., Inc., now assigned March 5, 1974, at Washington, D.C., is postponed indefinitely.

MC-30844-479, Kroblin Refrigerated Xpress, Inc., now assigned March 19, 1974, at Washington, D.C., is cancelled and the application is dismissed.

MC 106497 Sub 86, Parkhill Truck Company, MC 125433 Sub 44, F-B Truck Line Company, now assigned April 8, 1974, at Denver, Colo., is cancelled and reassigned to April 8, 1974 (1 week), in the Golden Eagle Room, Travel Motor Lodge, 161 West 6th South, Salt Lake City, Utah.

MC 135751 Sub 6, Atlantic Carrier, Inc., now assigned March 25, 1974, MC-F-12027, Jenkins Truck Line, Inc. (Indiana)—Merger—Jenkins Truck Line, Inc. (Iowa), now assigned March 26, 1974, MC 107295 Sub 658, Pre-Fab Transit Co., now assigned March 28, 1974, and MC 18459 Sub 8, Britton Motor Service, Inc., now assigned April 1, 1974, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 124211 Sub 234, Hilt Truck Line, Inc., now assigned April 1, 1974, MC 124511 Sub 17, John F. Oliver, now assigned April 3, 1974, and MC 5227 Sub 10, Economy Movers, Inc., now assigned April 8, 1974, at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

MC 117610 Sub 11, Derrico Trucking Corp., now being assigned hearing April 8, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 114755 Sub 2, Newburgh Beacon Bus Corp., now being assigned hearing April 10, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-101219 (Sub-50), Merit Dress Delivery, Inc., now assigned March 4, 1974, at New York, N.Y., is postponed indefinitely.

MC 126542 Sub 3, B. R. Williams Trucking, Inc., now assigned March 26, 1974, at Washington, D.C., is postponed indefinitely.

MC 95540 Sub 886, Watkins Motor Lines, Inc., and MC 107515 Sub 865, Refrigerated Transport Co., Inc., now assigned March 25, 1974, at Denver, Colo., will be held in Room 587 Tax Court, 5th Floor, U.S. Federal Bldg., 19th and Stout Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4628 Filed 2-26-74;8:45 am]

[No. AB-7 (Sub-No. 10)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Dickinson County, Iowa within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of February, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-7 (Sub-No. 10)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ABANDONMENT OF LINE BETWEEN MILFORD AND SPIRIT LAKE, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated February 15, 1974, it has been determined that the proposed abandonment of the line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Milford and Spirit Lake, Iowa, a distance of approximately 7.43 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over this line is not substantial and is decreasing. Nearby alternative rail access is available and motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation scheme. The abandonment is consistent with local plans for development of the area as a recreational center. The right-of-way of the rail line, if the abandonment is approved, is ideally suited for such recreational uses as a public bike and hiking trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 24, 1974.

[FR Doc.74-4634 Filed 2-26-74;8:45 am]

[No. AB-7 (Sub-No. 11)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Clark and Hamlin Counties, S. Dak., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of February 1974.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-7 (Sub-No. 11)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ABANDONMENT OF LINE BETWEEN BRYANT AND GARDEN CITY, S. DAK.

The Interstate Commerce Commission hereby gives notice that by order dated Feb. 15, 1974, it has been determined that the proposed abandonment of the line of Chicago, Milwaukee, St. Paul and Pacific

Railroad Company between Bryant and Garden City, S. Dak., a distance of approximately 26.48 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over this line is not substantial or consistent. Nearby alternative rail access is available and motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation scheme. The right-of-way may be sold to adjoining property owners who might reclaim the land for agricultural purposes consistent with local land use patterns. The determination was based upon the staff preparation and consideration of an environmental threshold survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 14, 1974.

[FR Doc.74-4635 Filed 2-26-74;8:45 am]

[Ex Parte 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES—1968

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 19th day of February 1974.

It appearing, that an opinion has been rendered by the three-judge court in Florida East Coast Ry. Co., et al. v. United States and Interstate Commerce Commission, Civil Action Nos. 70-574-Civ-J-S, 70-577-Civ-J-S (M.D. Fla. Dec. 14, 1973) sustaining the Commission's order of April 28, 1970 which promulgated the incentive per diem rules; that the Court dissolved as of January 8, 1974, the temporary restraining order entered on August 28, 1970, as amended August 31, 1970; and that the Court ordered plaintiffs Florida East Coast Ry. Co., and Seaboard Coast Line Railroad Co. "to make full restitution of all sums which would have been paid, pursuant to the incentive per diem charge order of the Interstate Commerce Commission entered April 28, 1970, had the aforesaid temporary restraining order not been in full force and effect";

It further appearing, that a three-judge court in the Eastern District of Pennsylvania entered an opinion dated December 18 ,1973, in Ann Arbor Railroad Co., et al. v. United States and Interstate Commerce Commission, C.A. No. 73-881 (E.D. Pa. Dec. 18, 1973), sustaining the Commission's March 30, 1973 order, which extended the operative period for payment of incentive per diem charges from a six-month to a year-round basis, and also sustaining the Commission's April 24, 1973, order, which reopened Ex Parte 252 (Sub-No. 1) for certain limited purposes; that by order of January 11, 1974, the Court dissolved the temporary restraining order which had been entered in that proceeding on April 30, 1973, and which had been entered in that proceeding on April 30, 1973, and which had temporarily enjoined the enforcement of the Commission's March 30, 1973 order against plaintiffs and plaintiff-intervenors in the Ann Arbor case; and that the Court ordered these plaintiffs and plaintiff-intervenors to "render statements to all other railroads of amounts due to such railroads based on the accounting required to be maintained by the order of the single judge, dated April 30, 1973" and "within 30 days of the date of this order, make full payment of all sums that would have been paid, pursuant to the said incentive per diem Order of the Interstate Commerce Commission, dated March 30, 1973, had the aforementioned Temporary Restraining Order not been in effect";

It further appearing, that because of the issuance of the temporary restraining order in the Ann Arbor case and "for the purpose of furthering effective, equitable and uniform administration of the requirements set forth in the March 30 order * * * while the temporary restraining order remains in effect," the Commission, by order of June 4, 1973, ordered that "all payment of incentive per diem charges coming due on or after May 1, 1973, under the provisions of the March 30, 1973 order, will be deferred until the above-described temporary restraining order is dissolved," and that the order also required all railroads "to maintain the necessary accounting so as to have available the records needed to pay or collect any incentive per diem charges which have accrued during the pendency of the temporary restraining order";

It further appearing, that in the Florida East Coast case, both plaintiffs Florida East Coast Railroad Co. and Seaboard Coast Line Railway Co. have filed notices of appeal to the Supreme Court; that on January 4, 1974, Mr. Justice Rehnquist denied the application of these two parties for a stay of the district court's judgment pending appeal; that in the Ann Arbor case the three-judge court, on January 11, 1974, denied plaintiffs' motion for an injunction against the Commission's March 30, 1973 order, pending appeal of the district court's judgment to the Supreme Court; that plaintiffs in Ann Arbor have filed two notices of appeal to the Supreme Court, and that on February 8, 1974, Mr. Justice Brennan denied the applications of these plaintiffs for a stay of the district court's judgment pending appeal;

It further appearing, that the plaintiffs and intervening plaintiffs in the Ann Arbor case have filed a petition dated December 31, 1973, for leave to file a petition for reconsideration of the Commission's order of March 30, 1973, and a petition for reconsideration embracing a request for oral argument, that these same petitioners have filed a separate petition dated January 4, 1974, seeking to have the Commission stay its March 30, 1973 order pending appeal of the three-judge court decision in the Ann Arbor case to the Supreme Court and further seeking to have the Commission extend the effect of its order of June 4, 1973; and that joint replies to the petitions for reconsideration and other relief and for a stay have been filed by certain railroads;

It further appearing, that by its order of April 24, 1973, the Commission reopened Ex Parte 252 (Sub-No. 1) for consideration of numerous proposals for restructuring and improving the incentive per diem program, but the termination of the incentive per diem program as promulgated by the April 28, 1970, and March 30, 1973, orders was not included as a topic of consideration in the reopened proceeding; that substantially the same petitioners that have filed the petition for reconsideration and other relief dated December 31, 1973, filed a prior petition for reconsideration of the Commission's April 24, 1973, order which sought reopening for consideration of all aspects of incentive per diem and which was denied by the Commission's order of May 31, 1973; and that the Ann Arbor court, in sustaining the Commission's April 24, reopening order, held:

> Modification of IPD to include purchase of freight cars other than boxcars, to change the rules governing earmarking of funds and the test period requirement were certainly reasonable alternatives to elimination of IPD. We cannot therefore conclude that the Commission abused its discretion by determining that consideration of substantive modifications to the IPD program was preferable to consideration of eliminating the IPD program.

And it further appearing, that plaintiffs' petition for reconsideration and other relief of December 31, 1973, alleges generally that the March 30, 1973, order should be reconsidered because incentive per diem is not accomplishing the statutory goals of increased car supply and better car utilization, creditor roads have had to pay Federal income taxes on IPD funds collected, and passage of the Regional Rail Reorganization Act of 1973 has raised questions as to whether future operating subsidies should be used to pay incentive per diem; and that in the joint reply dated January 16, 1974, the parties allege that incentive per diem has been successful in improving both acquisition and utilization of plain boxcars, income taxation of incentive per diem funds has caused little outflow from the railroad industry, and there is no improper subsidization of incentive per diem creditors by debtor lines coming under the Reorganization Act;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition for reconsideration of certain railroads dated December 31, 1973, is hereby accepted for filing;

It is further ordered, That said petition for reconsideration and other relief is hereby denied for the reasons (1) that the allegations of the petition together

with the allegations contained in the reply to the petition present nothing warranting the Commission's reconsideration of its March 30, 1973 order extending incentive per diem to a year-round basis, or its decision not to include the possible termination of the incentive per diem program in the reopened proceeding, but rather to focus on methods of improving the effectiveness of incentive per diem; (2) that, to the extent the petition covers matters previously considered by the Commission and the courts herein, it is repetitive; and (3) that, to the extent the petition seeks termination of the incentive per diem program, it is materially inconsistent with the Commission's effort to improve the incentive per diem program through an empirical process, which involves a wholly warranted and rational exercise of regulatory jurisdiction;

It is further ordered, That the petition for stay pending appeal to the Supreme Court of the United States filed January 4, 1974, is hereby denied on the grounds that (1) a stay would be inconsistent with this Commission's plans to foster unceasing effort (by all involved) to achieve the objectives of incentive per diem and overcome the urgent and perennial problem of car supply; (2) that there is no substantial reason for believing that petitioners' judicial remedies are inadequate or that the opinion of the three-judge court in the Ann Arbor case will be reversed by the Supreme Court; and (3) that if the Commission's March 30, 1973, order and the opinion in the Ann Arbor case should be ultimately set aside, petitioners have an adequate remedy at law for restitution of funds paid under the March 30 order;

It is further ordered, That in view of the fact that all plaintiffs and plantiff-intervenors in the Florida East Coast and Ann Arbor cases are now under court orders to make settlement of all incentive per diem payments which were held in abeyance pursuant to the now-dissolved temporary restraining orders in those proceedings, all parties who were plaintiff or plaintiff-intervenors in these cases, will promptly settle all such outstanding accounts by payment and collection of those incentive per diem funds due and owing, as shown by the accounts that both courts have required plaintiffs to maintain;

It is further ordered, That all incentive per diem payments which came due on or after May 1, 1973, under the provisions of the March 30 order, but which have been deferred until the dissolution of the temporary restraining order in the Ann Arbor case, pursuant to the June 4, 1973, order, are now due and will be promptly paid upon the rendering of proper accounts by the creditor railroads.

And it is further ordered, That a copy of this order be served upon all parties to this proceeding, that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4633 Filed 2-26-74;8:45 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 22, 1974.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-10875 (Deviation No. 21), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, New York 10011, filed February 13, 1974. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over Interstate Highway 40 to Winston-Salem, N.C., thence over U.S. Highway 52 to junction Virginia Highway 100, thence over Virginia Highway 100 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Virginia Highway 100, thence over Virginia Highway 100 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction Interstate Highway 77, thence over Interstate Highway 77 to Cambridge, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greensboro, N.C., over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 11 (Interstate Highway 81) to junction U.S. Highway 30, thence over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 283 to Harrisburg, Pa., thence over U.S. Highway 22 to Cambridge, Ohio, and return over the same route.

No. MC-16340 (Deviation No. 3), STANDARD MOTOR FREIGHT, INC., 2700 Smallman Street, Pittsburgh, Pennsylvania 15222, filed February 13, 1974. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and U.S. Highway 220 near Altoona, Pa., over U.S. Highway 220 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 209, thence over U.S. Highway 209 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 67, thence over Connecticut Highway 67 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to junction Connecticut Highway 34, thence over Connecticut Highway 34 to junction Connecticut Highway 122, thence over Connecticut Highway 122 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Haven, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Easton, Pa., thence over Alternate U.S. Highway 22 to W. Portal, Pa., thence over U.S. Highway 22 to Jersey City, N.J., thence over U.S. Highway 1 to New Haven, Conn., and return over the same route.

No. MC-42405 (Deviation No. 5), MISTLETOE EXPRESS SERVICE, 111 N. Harrison, Oklahoma City, Oklahoma 73104, filed February 19, 1974. Carrier's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Oklahoma 73112. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to Texarkana, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 69 to Durant, Okla., thence over U.S. Highway 70 via Idabel and Broken Bow, Okla., to De Queen, Ark., thence over U.S. Highway 59 to Texarkana, Ark., and return over the same route. The above authority is restricted as follows: Service at those points in the Texarkana, Ark.-Tex., Commercial Zone as defined by the Commission which are within Texas is restricted against the transportation of traffic moving from, to or beyond Dallas, Tex.

No. MC-48958 (Deviation No. 58), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed February 13, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 (U.S. Highway 66) to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 70 (U.S. Highway 40), thence over Interstate Highway 70 (U.S. Highway 40) to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to Princeton, Ill., thence over U.S. Highway 6 to Omaha, Nebr., thence over U.S. Highway 73 to Victory Junction, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4630 Filed 2-26-74;8:45 am]

[Notice 15]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 22, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-12137. Authority sought for purchase by MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, OH 44312, of the operating rights of COMMODORE CARTAGE COMPANY, 4930 Stecker Ave., Dearborn, MI 48126, and for acquisition by JOHN J. BRUTVAN, JR., also of Akron, OH 44312, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, NJ 07102, and Wilhelmina Boersma, 1001 Woodward Ave., Detroit, MI 48226. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98935 (Sub-No. 1), covering the transportation of *general commodities*, as a *common carrier* in interstate commerce, within the State of Michigan. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, New York, West Virginia, Maryland, Illinois, Indiana, New Jersey, Alabama, Minnesota, Oklahoma, California, Massachusetts, and the District of Columbia, and as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-87103 (Sub-No. 9), is a matter directly related.

No. MC-F-12138. Authority sought for purchase by OSBORN TRANSPORTATION, INC., Highway 77, Gadsden, AL 35904, of a portion of the operating rights and property of BROWN TRANSPORT CORP., Claim Dept., P.O. Box 6985, Atlanta, GA 30315, and for acquisition by EMERY C. OSBORN, also of Gadsden, AL 35904, of control of such rights and property through the purchase. Applicants' attorney: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, AL 35203. Operating rights sought to be transferred: *Rugs, carpets,* and *textile products,* as a *common carrier* over irregular routes, from Dalton, Archer, Calhoun, Rossville, La Grange, Summerville, Athens, Ringgold, Columbus, Cartersville, La Fayette, and Chamblee, Ga., and Memphis, Chattanooga, Knoxville, Sweetwater, and Rockwood, Tenn., to points in Colorado, Montana, and Wyoming, with restriction; *furniture* and *carpeting,* from Seattle, Wash., and Portland, Oreg., to points in Idaho south of the southern boundary of Idaho County, and to Salt Lake City, Utah, from Tacoma, Wash., to Salt Lake City, Utah, and points in Idaho south of the northern boundary of Idaho County; *textiles* and *textile products,* from points in Tennessee, to points in Washington, Oregon, Idaho, and Utah; *textile products,* from points in Georgia, to points in Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Oregon, and Washington; *frozen fruits, frozen berries, frozen vegetables,* and *vegetable products,* from Ontario, Oreg., and points in Idaho, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; *frozen foods and unfrozen foods* when transported in mixed loads with frozen foods, in vehicles equipped with mechanical refrigeration, and unfrozen canned goods, from points in Idaho, Oregon, and Washington, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, with restriction; *frozen fruits, frozen berries,* and *frozen vegetables,* from points in Oregon, Washington, and that part of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, to Ontario, Oreg., and certain specified points in Idaho, with restriction, from Ontario, Oregon, and Burley, Nampa, Boise, Heyburn, American Falls, Pocatello, and Caldwell, Idaho, to points in Kentucky, Mississippi, Tennessee, Alabama, North Carolina, South Carolina, Georgia, and Florida; *frozen foods,* and *unfrozen foodstuffs* when moving in the same vehicles with frozen foods, from Ontario, Oregon, Nampa, Boise, Burley, and Borah, Idaho, to Evansville, Ind., and Cincinnati and Portsmouth, Ohio, from the plant sites of Ore-Ida Foods at Ontario, Oreg., and Burley, Idaho, and Lamb-Weston, Inc., at Weston, Oreg., and American Falls (Borah), Idaho, and the storage facilities of Lamb-Weston, Inc., at American Falls (Borah), Idaho, to points in Louisiana; *carpeting and rugs,* from Calhoun, Dalton, Lafayette, Tennille, La Grange, Lyerly, White, Rome, Ringgold, Cartersville, Rabun Gap, Rossville, and Archer, Ga., Scottsboro, Ala., and Chattanooga, Memphis, Nashville, and Sweetwater, Tenn., to points in Idaho, Oregon, Utah, and Washington; *rugs, carpets, carpeting,* and *textile products,* from Knoxville, Tenn., and points in Georgia, to points in Nevada; *electrical household appliances,* from Seattle, Wash., to points in Alabama, Georgia, South Carolina, North Carolina, Tennessee, and Florida; *meats, meat products, meat by-products,* and *etc.,* from the plant site of Swift & Co., at Grand Island, Nebr., to points in Florida and Tennessee, from the plant site and warehouse facilities of Swift & Co., Grand Island, Nebr., to points in North Carolina and South Carolina, with restrictions, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee. Vendee holds no authority from this Commission. However, it is affiliated with TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, AL 35302, which is authorized to operate as a *common carrier* in Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, Nebraska, North Dakota, South Dakota, Indiana, Wisconsin, Virginia, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Ohio, Michigan, Louisiana, Mississippi, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12139. Authority sought for control by NOEL TRANSFER, INC., 550 E. 5th St., So. St. Paul, MN 55075, of LTL PERISHABLES, INC., 13084 Renfro Circle, Omaha, NE 68137, and for acquisition by MICHAEL J. NOEL, also of So. St. Paul, MN 55075, of control of LTL PERISHABLES, INC., through the

acquisition by NOEL TRANSFER, INC. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106. Operating rights sought to be controlled: *Pizza and pizza products*, as a *common carrier* over irregular routes, from Ames, Iowa, to points in Nebraska, Illinois, Indiana, Minnesota, South Dakota, North Dakota, and Wisconsin; *meat* and *meat products*, from Ames and Webster City, Iowa, to points in Nebraska, Illinois, Indiana, Minnesota, South Dakota, North Dakota, and Wisconsin, with restriction. NOEL TRANSFER, INC., holds no authority from this Commission. However, it is affiliated with AJAX TRANSFER COMPANY, 550 E. 5th St., So. St. Paul, MN 55075, which is authorized to operate as a *contract carrier* in Minnesota, Wisconsin, Iowa, Michigan, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12140. Authority sought for control by CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, 12 Kelly Street, Sumter, S.C. 29150, of UNITED STATES VAN LINES, INC., One U.S. Drive SE., P.O. Drawer U, Marietta, GA 30061, and for acquisition by MICROTRON INDUSTRIES, INC., Box 3128, Irving, TX 75061, and in turn by, R. C. DAWE, 3210 Conflans, Irving, TX 75061, of control of UNITED STATES VAN LINES, INC., through the acquisition by MICROTRON INDUSTRIES, INC., and in turn by R. C. DAWE. Applicants' attorneys: LEE REEDER, 1221 Baltimore Avenue, Kansas City, MO 64105, and MAX G. MORGAN, 600 Leininger Building, Oklahoma City, OK 73112. Operating rights sought to be controlled: *Household goods* as a *common carrier* over irregular routes, between points in South Dakota, and those in Minnesota and Iowa within 60 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in South Dakota, North Dakota, Wyoming, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, Arizona, Arkansas, California, Idaho, Louisiana, Montana, North Carolina, Oregon, Tennessee, Texas, Utah, Washington, and the District of Columbia, between points in Minnesota, on the one hand, and, on the other, points in Illinois, Iowa, Indiana, Michigan, North Dakota, South Dakota, and Wisconsin, between points in Missouri, Iowa, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Maryland, Rhode Island, Delaware, and those in that part of Michigan on and east of U.S. Highway 27 and south of Michigan Highway, between points in the territory bounded by a line beginning at Manitowoc, Wis., and extending along U.S. Highway 10 to a defined area of Minnesota, Iowa, West Virginia, Pennsylvania, New York, Michigan, Wisconsin, Kentucky, Missouri, Kansas, and Omaha, Nebr., on the one hand, and on the other, points in Virginia, South Dakota, Arkansas, Colorado, Michigan, Minnesota, Nebraska, West Virginia, Kansas, Oklahoma, North Dakota, and the District of Columbia, between points in McLean County, Ill., on the one hand, and, on the other, points in Louisiana and Texas, between points in North Carolina, on the one hand, and on the other, points in South Carolina and Virginia, between points in Forsyth County, N.C., on the one hand, and, on the other, points in Florida, Georgia, New York, Ohio, South Carolina, Virginia, Tennessee, West Virginia, and the District of Columbia, between points in Oregon, on the one hand, and, on the other, points in Washington, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut, between points in Douglas, Jackson, and Josephine Counties, Oreg., on the one hand, and, on the other, points in California, between points in all States east of the Mississippi River and in the District of Columbia, between points in Illinois, on the one hand, and, on the other, points in New York, Wisconsin, Missouri, Arkansas, Nebraska, West Virginia, Tennessee, Indiana, Georgia, Minnesota, Pennsylvania, Michigan, Ohio, Iowa, Kentucky and New Jersey. Vendee is authorized to operate as a *common carrier* in South Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Maryland, New Jersey, New York, Pennsylvania, Virginia, District of Columbia, Connecticut, Delaware, Rhode Island, North Carolina, Alabama, Georgia, Florida, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12141. Authority sought for control by SMITH'S MOVING AND STORAGE COMPANY, INC., a noncarrier, 9998 North Michigan Rd., Carmel, IN 46032, of SMITH'S MOVING & STORAGE CO., INC., 611 South Pickett St., Alexandria, VA 22304, and for acquisition by MAYFLOWER CORPORATION, also of Carmel, IN 46032, of control of SMITH'S MOVING & STORAGE CO., INC., through the acquisition by SMITH'S MOVING AND STORAGE COMPANY, INC. Applicants' attorney: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware and Virgina, and certain specified points in Pennsylvania and West Virginia; *used household goods*, between certain specified points in Maryland and Virginia, and the District of Columbia. AERO MAYFLOWER TRANSIT COMPANY, INC., a motor common carrier authorized under Docket MC–2934; CREST-MAYFLOWER INTERNATIONAL, INC., is a regulated freight forwarder authorized under Docket FF–361; AERO MAYFLOWER TRANSIT CO., INC., is an air freight forwarder authorized under Docket No. 20812—all are controlled by MAYFLOWER CORPORATION. Application has been filed for temporary authority under section 210a(b).

NOTICE

The Atchison, Topeka and Santa Fe Railway Company, represented by Mr. Richard K. Knowlton, Associate General Counsel, 80 East Jackson Boulevard, Chicago, Illinois 60604, hereby gives notice that on the 17th day of January 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2)(a)(ii) of the Interstate Commerce Act for authority to acquire bridge trackage rights over a line of railroad of the Southern Pacific Transportation Company between West Junction and the Southern Pacific Transportation Company Passenger Train Station at Houston, all within Harris County, Texas, a distance of 14.34 miles. The application has been assigned Finance Docket No. 27564. In the opinion of the applicant, the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act of 1969*, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the facts set forth in Ex Parte No. 55 (Sub-No. 4), Supra Part (b) (1)–(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–4631 Filed 2–26–74;8:45 am]

[Notice 29]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 21, 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.

No. MC 42087 (Sub-No. 1 TA), filed February 11, 1974. Applicant: TRIP TRANSPORT, INC., 1345 North Mascher Street, Philadelphia, Pa. 19122. Applicant's representative: James J. Cain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt and brewed beverages and advertising materials*, from the plantsites of C. Schmidt & Sons, Inc., in Philadelphia, Pa., Norristown, Pa., and Cleveland, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *brewer's supplies, materials, and equipment*, used or useful in the conduct of brewery business, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to the plantsites of C. Schmidt & Sons, Inc., in Philadelphia, Pa., Norristown, Pa., and Cleveland, Ohio, for 180 days. RESTRICTION: The authority granted is restricted against tacking, interlining, and the transportation of commodities in bulk, in tank vehicles. SUPPORTING SHIPPER: Francis A. Green, Jr., General Traffic Manager, C. Schmidt & Sons, Inc., 127 Edward Street, Philadelphia, Pa. 19123. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 95743 (Sub-No. 27 TA), filed February 11, 1974. Applicant: WILLIAM F. MEHRING & SONS, INC., Route 1, Keymar, Md. 21757. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump vehicles, from Blue Ridge Summit, Pa., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Mr. Louis Jordan, Jr., Plant Manager, GAF Corporation, P.O. Box O, Blue Ridge Summit, Pa. 17214. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 108382 (Sub-No. 20 TA), filed February 12, 1974. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve Willow Run Airport near Ypsilanti, Mich., as an off-route point in connection with its regular route service between Bay City, Mich., and Toledo, Ohio, for 180 days.

NOTE.—Applicant states it does intend to tack with its authority in MC 108382 and Subs thereto.

SUPPORTING SHIPPERS: West Branch Tube Company, 460 S. Valley, West Branch, Mich.; J.F.B. Manufacturing Co., 1150 N. State Street, St. Ignace, Mich. 49871.; Essex International, Inc., P.O. Box 395, Atlanta, Mich.; Hancock Industries, Inc., M 18, Roscommon, Mich.; Lewiston, Mich.; Diehl Industries, Inc. (Lord Industries), P.O. Box 434, Gaylord, Mich. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 109677 (Sub-No. 50 TA), filed February 8, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Sartoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPER: Petrolane Northeast Gas Service, Inc., Box 344, 644 Danbury Road, Wilton, Conn. 06879. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 109677 (Sub-No. 51 TA), filed February 13, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Sartoga Road, Fort Edward, N.Y. 12828, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) between points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) between points in Connecticut, Massachusetts, New York, and Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, for 180 days. SUPPORTING SHIPPERS: Pyrofax Gas Corporation, P.O. Box 2521, Houston, Tex. 77001; Texgas Corporation, 80 Wolf Road, Suite 402, Albany, N.Y. 12205; The Home Gas Corp. and/or Adirondack Bottled Gas Corp., 287 Main St., Great Barrington, Mass.; C. M. Dining, Inc., 27 Garfield St., Exeter, N.H. 03833. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12208.

No. MC 118089 (Sub-No. 13 TA), filed February 8, 1974. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, P.O. Drawer 69, Kingsland, Tex. 78639. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit flavored drinks*, from Lubbock, Tex., to points in Texas, New Mexico, Oklahoma, Colorado, and Arizona, for 180 days. SUPPORTING SHIPPER: John F. Bergstrom, National Sales Manager, Boden Products, Inc., 3333 N. Mt. Prospect Road, Franklin Park, Ill. 60131. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123379 (Sub-No. 7 TA), filed February 11, 1974. Applicant: BRU-BAKER TRANSFER, INC., 103 N. Major Street, Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from the plant site of Robersonville Products Co., Robersonville, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, D.C., and West Virginia, for 180 days. SUPPORTING SHIPPER: J. R. Blachek, Vice President, Metamora Company, Robersonville Products Co. (Subsidiary) P.O. Box 1018, Robersonville, N.C. 27871. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Buliding, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 127651 (Sub-No. 21 TA), filed February 11, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham St., Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Onalaska, Wis., to Sioux Falls, S. Dak., for 180 days. SUPPORTING SHIPPER: Erickson Hardwoods, Inc., 718 Second Avenue, South, Onalaska, Wis. 54650. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 134404 (Sub-No. 18 TA), filed February 11, 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: *Plastic bath tubs and shower stalls*, packaged and unpackaged, from Richmond, Mich., to Hartford, Rockville, and Waterbury, Conn.; the District of Columbia; Lewiston, Portland, and Waterville, Maine; points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md.; Essex, Greenfield, Hampden, Middlesex, New Bedford, Norfolk, Plymouth, and Suffolk Counties, Mass.; Atlantic, Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, and Passaic Counties, N.J.; Albany, Middletown, Nassau County, New York City, Niagara Falls, Rochester, Suffolk County, and Syracuse, N.Y.; Allegheny County, Altoona, Bethlehem, Harrisburg, Lansdale, New Castle, Philadelphia, and Reading, Pa.; Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, McLean, Richmond, and Winchester, Va.; Providence, Warwick, Westerly, and Woonsocket, R.I.; Dover, Wilmington, and Lewes, Del.; Springfield, Barre, Burlington, and Rutland, Vt.; and Manchester, Salem, and Concord, N.H. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with American Standard, Inc., for 180 days. SUPPORTING SHIPPER: American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08093. SEND PROTESTS TO: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 135784 (Sub-No. 28 TA) (CORRECTION), filed December 12, 1973, published in the FEDERAL REGISTER issue of January 4, 1974, republished in the FEDERAL REGISTER issue of January 24, 1974, and in third publication, as corrected, this issue. Applicant: LTL PERISHABLES, INC., 132d and Q Streets, Mlg: P.O. Box 34768 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 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: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in North Dakota and South Dakota, for 180 days. TACKING: Applicant states that the requested authority can be tacked with its existing authority at Omaha, Nebr. SUPPORTING SHIPPERS: (1) Frozen Foods Express, Inc., Post Office Box 5888, Dallas, Tex. 75222; (2) Schwartz Meat Company, P.O. Box 971, Norman, Okla. 73069; (3) Standard Meat Company, 3709 E. First St., Ft. Worth, Tex.; (4) Field's, Inc., P.O. Box 7, Pauls Valley, Okla. 73075; (5) American Packing Company, P.O. Box 429, Booneville, Miss. 38829; and (6) Odom Sausage Co., Inc., Neely's Bend Rd., Madison, Tenn. 37115.

NOTE.—The purpose of this republication is to include the tacking information, omitted in the previous publication.

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 139470 TA, filed February 8, 1974. Applicant: COWLITZ STUD COMPANY, a Corporation, Washington Bldg., Suite 1410, Seattle, Wash. 98101. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington and Oregon. RESTRICTION: Restricted to shipments for export. Further restricted to a transportation service to be performed under a continuing contract or contracts with Pacific Lumber & Shipping Co., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 139471 TA, filed February 8, 1974. Applicant: PACKWOOD LUMBER CO., a Corporation, Washington Bldg., Suite 1410, Seattle, Wash. 98101. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington and Oregon. RESTRICTION: Restricted to shipments for export. Further restricted to a transportation service to be performed under a continuing contract or contracts with Pacific Lumber & Shipping Co., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139488 (Sub-No. 1 TA), filed February 8, 1974. Applicant: RICHARD S. MORLEY doing business as MORLEY TRUCKING, R.D. 1, Guilford, N.Y. 13780. Applicant's representative: Herbert M. Canter, 315 Seitz Building, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages: ale, beers, beer tonic, porter, stout, or non-intoxicating cereal beverages*, from Columbus, Ohio, to Corning, N.Y., and *empty containers* in the reverse direction, for 180 days. SUPPORTING SHIPPER: Armand Carozzoni, General Manager, Frank D'Andreo, Inc., Market Street, Corning, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 139499 TA, filed February 7, 1974. Applicant: U.S. TRANSPORT, INC., P.O. Box 6, Bakersfield, Calif. 93303. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Laminated plastics and adhesive liquid, (1) from Coshocton, Ohio, to Oakland, Burlingame, Los Angeles, El Segundo, San Diego, San Francisco, Sacramento, Tustin, Gardena, Riverside, Pomona, Azusa, City of Industry, and Buena Park, Calif.; (2) from Coshocton Ohio, to Seattle, Tacoma, and Spokane, Wash.; (3) from Coshocton, Ohio, to Portland, Oreg.; (4) from Coshocton, Ohio, to Weiser and Boise, Idaho; and (5) from Coshocton, Ohio, to Laramie, Wyo.; Salt Lake City, Utah; Phoenix, Ariz.; Albuquerque, N. Mex., and Loveland and Denver, Colo. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with General Electric Co., L&IMBD, for 180 days. SUPPORTING SHIPPER: General Electric Co., L&IMBD, 1 Plastic Ave., Coshocton, Ohio 43812. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 200 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139500 TA, filed February 11, 1974. Applicant: CHARLES W. WILLIAMS, P.O. Box 9, Reeves, La. 70658. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Railroad cross ties*, between Reeves, La., U.S. Highway 190 to Ragley, La., Ragley, La., Highway 12 to Deweyville Tex., from Deweyville, Tex., Texas Highway 12 to Vidor, Tex., from Vidor, Tex., Interstate 10 to Houston, Tex., Interstate 59, North to Bennington St., Exit Bennington St., West to Koppers Co., Hardy Street, Houston, Tex., and return over the same route, for 180 days. SUPPORTING SHIPPER: Clear Creek Lumber Co., P.O. Box 1114, Reeves, La., Mr. H. L. Elam, Jr., Owner. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 139501 TA, filed February 8, 1974. Applicant: RICHARD W. BERNHARDT, 11916 NE. 28th St., Vancouver, Wash. 98662. Applicant's representative:

Richard W. Bernhardt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, from Ephrata, Wash., to points in Oregon, for 180 days. SUPPORTING SHIPPER: A & B Pelleting, Inc., Route 1, Box 321, 5 NE., Ephrata, Wash. 98823. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4632 Filed 2-26-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 22, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Missouri Docket No. T-33,541 filed January 29, 1974. Applicant: C. J. KEMPER, doing business as KEMPER FREIGHT COMPANY, Highway 36 and Harris Street Road, Cameron, Mo. 64429. Applicant's representative: Bob F. Griffin, 223 East Third Street, Cameron, Mo. 64429. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *general commodities*, over regular routes, from Cameron, over U.S. Highway 36 to Hamilton, thence over State Highway 13 to Gallatin, thence over State Highway 6 to Maysville, thence over State Highway 33 to Osborn, thence over U.S. Highway 36 to Cameron, thence over Business Route I-35 to the intersection with I-35, thence over I-35 to Kansas City, Missouri, Commercial zone and return over such routes, including the alternate routes between Maysville and Gallatin on the one hand, and Cameron on the other hand, over State Highway 6 to the Intersection with I-35, thence over I-35 to Business Route I-35, thence over Business Route I-35 to Cameron, and return over such alternate routes, with authority to render service (pick up and deliver freight) at Cameron, Hamilton, Gallatin, Maysville, and Osborn and between said points, on the one hand, and Kansas City and its commercial zone on the other hand; (B) *general commodities*, over irregular routes, between Cameron, on the one hand, and points and places within 10 miles of Cameron, on the other hand, with authority to render service (pick up and deliver freight), irrespective of the location of such points on the route of a regular route common carrier or between points on the routes of two or more regular route common carriers where through or joint service has been authorized or established between such regular route common carriers; and (C) *agricultural pesticides, insecticides, herbicides, fertilizers and ingredients thereof*, dry, in containers and in bulk (other than in tank vehicles) and liquid, in containers, over irregular routes, between all points and places in the State of Missouri, on the one hand, and Cameron and points and places within 10 miles of Cameron, on the other hand, with authority to render service (pick up and deliver property); irrespective of the location of such points on the route of a regular route common carrier or between points on the routes of two or more regular common carriers where through or joint service has been authorized or established between such regular route carriers. Intrastate, interstate, and foreign commerce authority sought.

HEARING: March 25, 1974, at the Hearing Room of the Missouri Public Service Commission, Jefferson Building, 10th Floor, Jefferson City, Mo., at 10:00 a.m. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson City, Mo. 65101, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2163, filed January 14, 1974. Applicant: ROGER W. NICKS, doing business as BAKER BUS SERVICE, 16 Railroad Ave., Box D, Baker, Fallon County, Mont. 59313. Applicant's representative: Russell L. Culver, Box AA, Baker, Mont. 59313. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their luggage*, and bus express via Class A Carrier on U.S. Highway No. 12 between Baker and Miles City, Mont., on a regular daily schedule, except Sunday. Points served between would be Plevna and Locate, Mont. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2164, filed February 14, 1974. Applicant: ROGER W. NICKS, doing business as BAKER BUS SERVICE, 16 Railroad Ave., Box D, Baker, Fallon County, Mont. 59313. Applicant's representative: Russell L. Culver, P.O. Box AA, Baker, Mont. 59313. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of residents and groups of people, from Fallon and Carter Counties, Mont. This Charter service will primarily serve groups from Baker, Fallon County, and Ekalaka, Carter County, Mont., and enable them to Charter Bus Service to destinations at any point within the State of Montana.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227-11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4884 (Sub-No. 3) (Amendment), filed November 9, 1973, published in the FEDERAL REGISTER issue of December 5, 1973, and republished, as amended, this issue. Applicant: DAYTON MOTOR EXPRESS, INC., N. Broadway, Dayton, Tenn. 37321. Applicant's representative: William H. Lasiter, Jr., 22nd Floor, L & C Tower, Nashville, Tenn. 37219. Applicant desires to amend and hereby amends the application heretofore filed by deleting in its entirety from the proposed route set out on exhibit A, paragraph I, of the application which is described as follows: (I) To operate as a motor carrier for the transfer of *general commodities* except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment, from Dayton, Tenn., via U.S. Highway 27 to its junction and intersection with Highway 68, thence east along Highway 68 to its intersection and junction with Highway 58; thence south along Highway 58 to Decatur, Tenn., thence south along Highway 58 to Chattanooga, Tenn., in conjunction with its present authority to serve Watts Bar Dam, Tenn., serving no intermediate points between Decatur, Tenn., and Chattanooga, Tenn., in Interstate and Intrastate Commerce. Applicant desires to amend and hereby amends the application heretofore filed by deleting from the proposed route set out on exhibit A, paragraph III, of the application which is described as follows: (III) To operate as a motor carrier for the transfer of General commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said Highway 27 to Rockwood, Tenn., thence along Highway 27 to the intersection of U.S. Highway 70 and State Highway 27; thence east along Highway 70 to Midtown, Tenn., thence east along Highway 70 to Kingston, Tenn., and return over the same routes to Dayton, Tenn., in Interstate and Intrastate Commerce, and substituting in lieu thereof the following route; (III) to operate as a motor carrier for the transfer of General

commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said Highway 27 to Rockwood, Tenn., thence along said Highway 27 to the intersection of U.S. Highway 70 and State Highway 27, thence east along Highway 70 to Midtown, Tenn., thence east along Highway 70 to Kingston, Tenn., thence east along Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over the same route to Dayton, Tenn., in Interstate and Intrastate Commerce, and along Intrastate Highway 40 from Rockwood, Tenn., to Knoxville, Tenn., serving no intermediate points between Rockwood and Knoxville and return along the same routes, in Interstate and Intrastate Commerce. Paragraph II of the application remains the same.

HEARING: Formerly set for February 15, 1974, has been postponed and reset for April 18, 1974, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–4629 Filed 2–26–74;8:45 am]

COST OF LIVING COUNCIL

LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Labor-Management Advisory Committee, established by section 8 of the Executive Order 11695, will meet at 10 a.m., March 5, 1974, in the Secretary's Conference Room, Main Treasury Building, Washington, D.C.

The agenda will consist of discussions led by Secretary Shultz of the implications for labor-management relations of several documents which I have determined fall within exemption (5) of 5 U.S.C. 552(b). The documents are papers containing staff views and recommendations on decontrol strategy and on organization of the Cost of Living Council after April 30, 1974.

Since this meeting will consist of discussions of documents which fall within exemption (5) of 5 U.S.C. 552(b), pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting itself falls within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on February 26, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary.

[FR Doc.74–4831 Filed 2–26–74;11:48 am]

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federal register

WEDNESDAY, FEBRUARY 27, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 40

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

NEW MOTOR VEHICLES AND ENGINES; AIR POLLUTION CONTROL

1974 Model Year Test Results

ENVIRONMENTAL PROTECTION AGENCY

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Federal Certification Test Results for 1974 Model Year

Section 206(e) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)), directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

FEDERAL EMISSION STANDARDS

The regulations that apply to the control of emissions from 1974 model year vehicles, appearing at 40 CFR Part 85, set maximum allowable emission levels for new gasoline-fueled and Diesel heavy duty engines (for use in trucks and buses), and gasoline-fueled light duty vehicles (automobiles and light trucks). Heavy duty gasoline-fueled and Diesel engines are required to meet emission standards of 16 grams per brake horsepower hour (gms/BHP-hr.) for hydrocarbons (unburned gasoline) plus oxides of nitrogen (measured as NO_2) and 40 gms/BHP-hr. for carbon monoxide (a poisonous gas). In addition, heavy duty Diesel engines must meet Federal smoke emmission standards of 20 percent opacity during acceleration, 15 percent opacity during lugging, and 50 percent opacity during the peaks in either the acceleration or lugging mode. These opacity standards limit the darkness of the exhaust smoke to a light gray haze.

The standards for automobiles prohibit all crankcase emissions, and limit allowable evaporative emissions from the fuel system and exhaust emissions from the tailpipe. The exhaust standards allow 1974 automobiles to emit no more than 3.4 grams per mile (gms/mi.) of hydrocarbons, 39 gms/mi. of carbon monoxide, and 3.0 gms/mi. of oxides of nitrogen from the tailpipe. The 1974 evaporative emission standard limits the loss of gasoline by evaporation from the carburetor and fuel tank to no more than 2.0 grams per test.

FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a certificate of conformity for each model they wish to produce for that model year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and the ability of the emission control system to remain effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles, the manufacturers are required to deliver the test vehicles to the Federal Testing Laboratory at Ann Arbor, Michigan. At this facility, the vehicles are retested by the Federal engineers to assure conformity with the regulations. The Federal emission test procedure for light duty vehicles is designed to simulate an average trip of 7.5 miles in an urban area and consists of cold-engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule.

The regulations require a manufacturer to test a selection of prototype vehicles, as designated by the Administrator, which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission-data fleet, consists of new prototype vehicles which are driven for 4,000 miles and then tested. The purpose of the emission data fleet is to determine the stabilized emission levels of new motor vehicles. The second fleet, known as the durability fleet, is made up of new prototype vehicles which are driven for 50,000 miles and tested every 4,000 miles. The durability fleet is used to establish "deterioration factors" which are adjustments that account for the decrease in an emission control system's efficiency over its expected useful life. The deterioration factors enable the Administrator to predict a motor vehicle's emission levels at 50,000 miles based upon its measured levels at 4,000 miles. The test data from the two fleets are then combined, in accordance with the procedures specified in the regulations, to determine whether the vehicle is in compliance with emission standards over the expected useful life of the vehicle. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a certificate of conformity.

The same procedure is applicable to heavy duty engines, except that emission-data engines accumulate 125 hours of service on an engine dynamometer before the emission test and gasoline-fueled durability engines and diesel durability engines accumulate 1,500 and 1,000 hours of service, respectively. The heavy duty engine test is designed to simulate on an engine dynamometer a truck driving pattern in a metropolitan area.

FEDERAL CERTIFICATION DATA

Listed below are the emission levels of each light duty emission data vehicle and heavy duty emission data engine, as adjusted by the deterioration factors discussed above. The vehicles and engines listed represent all of the models and configurations certified as of December 31, 1973, for the 1974 model year.

The emission and fuel economy data listed below was obtained from the original emission data vehicles and engines. In some cases, manufacturers have submitted requests to perform "running changes" on already certified configurations. EPA has authorized manufacturers to make such running changes if the review of the test data and technological information has shown that the proposed modifications do not cause the vehicles or engines to exceed the standards. The data listed below does not indicate the effect of running changes on certified emission levels.

All of the vehicles and engines represented by the respective test vehicles and engines shown below conform to Federal emission standards for new motor vehicles and new motor vehicle engines for the 1974 model year. In addition, some of the light duty vehicles were designed to meet the more stringent standards (3.2 gms/mi. hydrocarbon and 2.0 gms/mi. oxides of nitrogen) of the State of California. Those more stringent standards are authorized under section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)) and approved by the Administrator's April 19, 1972, decision to grant the State of California's application for waiver. Test vehicles that have been designated by the manufacturer as being designed to meet the more stringent standards are marked by an asterisk(*).

Included in the light duty vehicle section is a column labeled "Fuel economy." The values in this column represent the calculated fuel economy for each emission data vehicle as it was operated according to the Federal emission test procedure at the EPA laboratory. The expression used to calculate fuel economy based upon analysis of the exhaust gas is:

Fuel Economy:

$$\frac{2423}{(0.866)(HC)+(0.429)(CO)+(0.273)(CO_2)}$$

where:

Fuel economy = Fuel economy in miles per gallon.
HC = Hydrocarbon mass emission expressed in grams per mile.
CO = Carbon monoxide mass emissions expressed in grams per mile.
CO_2 = Carbon dioxide mass emissions expressed in grams per mile.

Note that the HC, CO, and CO_2 emission values used in the relation are actual 4,000 mile emission test results and not the certification values which include the deterioration factor adjustment .

EPA must caution against attempting to compare these published fuel economy values with other values obtained under different conditions or by different techniques. Fuel economy is affected by a wide range of factors including the manner in which the vehicle is driven, type of route and terrain traveled, speeds at which the vehicle is driven, frequency of cold-starts, use of power-absorbing accessories, vehicle weight, axle ratio,

ambient conditions, and many others. However, these published figures are valid and useful for comparing vehicle performance on the Federal emission test procedure. Description of this general method of calculating fuel economy and discussion of the many factors which affect fuel economy are included in an October, 1973, EPA publication entitled "A Report on Automotive Fuel Economy", and available from the EPA Office of Public Affairs.

This listing should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or engines.

Dated: February 19, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
AMERICAN MOTORS	232.0,258.0	I	GREMLIN	232.0- 1	A3	3000	2.73	15.9	1.3	15.	2.8	0.6
Gremlin			WAGONEER	258.0- 1	M3	4000	4.09	10.1	1.9	16.	2.3	0.1
Hornet			GREMLIN	258.0- 1	M3	3000	2.73	15.6	1.6	14.	2.1	0.2
Hornet Hatchback			HORNET	258.0- 1	A3	3500	3.08	14.3	2.3	35.	2.6	0.0
Javelin			UNIVERSAL	258.0- 1	M4	3000	4.27	9.8	1.8	21.	3.0	0.2
Hornet Sportabout			*HORNET	258.0- 1	A3	3500	3.31	12.5	2.3	31.	2.0	0.0
Universal CJ-5/6			JAVELIN	258.0- 1	M3	3500	3.08	13.2	2.5	21.	2.7	0.0
Matador			*HORNET	258.0- 1	M3	3500	3.31	11.7	2.6	22.	1.8	0.0
Cherokee												
Truck J-10												
Wagoneer												
AMERICAN MOTORS	232.0,258.0	I-A	*GREMLIN	258.0- 1	M3	3000	3.08	13.2	2.1	25.	1.2	0.5
Gremlin			*SPORTABOUT	232.0- 1	A3	3500	3.31	15.5	2.4	35.	1.5	0.0
Hornet			HORNET	258.0- 1	A3	3500	2.73	13.8	1.7	22.	2.3	0.0
Hornet Hatchback			HORNET	232.0- 1	A3	3500	2.73	14.7	2.1	25.	2.1	0.3
Hornet Sportabout			UNIVERSAL	232.0- 1	M3	3000	4.27	11.1	1.7	13.	1.9	0.0
Javelin			UNIVERSAL	258.0- 1	M3	3000	4.27	12.1	2.0	10.	2.0	0.5
Universal CJ 5/6												
AMERICAN MOTORS	304.0	II	MATADOR	304.0- 2	A3	4000	3.15	12.4	2.7	22.	2.3	0.2
Gremlin			JAVELIN	304.0- 2	A3	3500	3.15	12.1	3.3	24.	2.4	0.1
Hornet			MATADOR SW	304.0- 2	A3	4500	3.54	12.3	2.6	21.	2.5	0.5
Hornet Hatchback			UNIVERSAL	304.0- 2	M3	3000	3.73	11.5	3.0	20.	2.3	0.7
Hornet Sportabout			MATADOR	304.0- 2	A3	4000	3.15	11.6	3.2	26.	2.6	0.6
Javelin			*JAVELIN	304.0- 2	A3	3500	2.87	11.1	2.9	25.	1.2	0.7
Javelin AMX												
Ambassador Brougham												
Matador												
Universal CJ-5/6												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
AMERICAN MOTORS												
Ambassador Brougham	360.0	III	WAGONEER	360.0- 2	A3	4500	3.07	10.6	2.1	24.	2.0	0.0
Hornet			HORNET	360.0- 2	A3	3500	3.15	11.0	2.6	33.	1.8	0.3
Hornet Hatchback			MATADOR	360.0- 2	A3	4500	3.15	11.0	3.2	23.	2.8	0.2
Hornet Sportabout			TRUCK	360.0- 2	M3	4500	4.09	8.5	2.9	38.	2.0	0.0
Javelin			JAVELIN	360.0- 2	A3	4000	3.54	11.6	2.9	36.	1.8	0.5
Javelin AMX			AMBASSADOR	360.0- 2	A3	4500	3.15	10.8	2.8	38.	2.5	0.2
Matador												
Cherokee												
Truck J-10												
Wagoneer												
AMERICAN MOTORS												
Ambassador Brougham	360.0,401.0	IV	MATADOR	360.0- 4	A3	4500	3.15	10.0	2.2	38.	1.7	0.0
Hornet			AMBASSADOR	360.0- 4	A3	4500	3.15	10.4	3.1	39.	2.1	0.2
Hornet Hatchback			WAGONEER	360.0- 4	A3	4500	3.07	10.6	2.9	30.	2.1	0.8
Hornet Sportabout			JAVELIN	360.0- 4	M4	4000	3.54	10.8	3.0	29.	2.2	0.1
Javelin			TRUCK	360.0- 4	A3	4500	4.09	10.3	2.6	34.	2.3	1.3
Javelin AMX			MATADOR	401.0- 4	A3	4500	3.15	11.1	3.0	34.	2.1	0.9
Matador												
Cherokee												
Truck J-10												
Wagoneer												
AM GENERAL												
	141.5	L141.5	UTILITY VEHICL	141.5- 1	M4	2750	4.86	19.5	2.6	22.	2.8	0.0
			UTILITY VEHICL	141.5- 1	M4	2750	4.86	18.0	2.6	22.	2.0	0.0
M151A2 - 1/4 Ton 4X4 Utility Vehicle			TRUCK	141.5- 1	M4	2750	4.86	19.1	3.0	22.	2.5	0.0
M718A1 - 1/4 Ton 4X4 Front-Line Truck												
M825 - 1/4 Ton 4X4 106mm Rifle Carrier Truck												
AM GENERAL												
	232.0,258.0	I-232/258	~~1/4~~ TON TRUCK	232.0- 1	A3	3000	3.07	15.8	1.7	16.	2.9	0.1
1/2 Ton Post Office Vehicle FJ-8A			~~1/2~~ TON TRUCK	232.0- 1	A3	4000	3.73	14.0	2.1	25.	2.7	0.0
1/4 Ton Post Office Vehicle DJ-5C												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
AUDI (AUTO UNION)												
Audi Fox	90.0	AUDI 80	VW SEDAN 32	90.0- 2	A3	2500	4.09	23.3	3.3	35.	2.8	0.1
			VW SEDAN 32	90.0- 2	M4	2500	4.11	24.3	3.2	27.	1.9	0.1
			AUDI FOX	90.0- 2	M4	2500	4.11	22.0	2.4	36.	1.8	0.1
			*VW STN WAG	90.0- 2	A3	2500	4.09	21.2	2.5	32.	2.2	0.1
AUDI (AUTO UNION)												
Audi Fox	90.0	AUDI 80 AIR	*AUDI FOX	90.0- 2	M4	2500	4.11	21.1	1.9	20.	1.3	0.3
			*VW SEDAN 32	90.0- 2	M4	2500	4.11	22.7	2.5	24.	1.3	0.3
			*VW SEDAN 32	90.0- 2	A3	2500	4.09	22.7	1.5	21.	1.8	0.5
			*VW STN WAG 33	90.0- 2	A3	2500	4.09	23.7	1.8	20.	1.4	0.0
AUDI (AUTO UNION)												
Audi 100	114.5	AUDI 100	*AUDI 100	114.5- 2	A3	3000	3.91	14.5	3.2	37.	1.7	0.1
Audi 100 LS			*AUDI 100	114.5- 2	M4	3000	4.11	16.1	1.8	23.	1.5	0.0
Audi 100 GL			*AUDI 100	114.5- 2	A3	3000	3.91	14.8	2.9	29.	2.3	0.0
			*AUDI 100	114.5- 2	M4	3000	4.11	15.4	1.3	26.	1.8	0.1
BMW												
BMW 2002	121.3	BMW 121	*BMW 2002	121.3- 2	M4	2750	3.64	21.1	2.6	16.	1.8	0.5
BMW 2002A			*BMW 2002	121.3- 2	A3	2750	3.64	22.6	2.0	17.	2.0	0.4
BMW												
BMW 2002 TII	121.3	BMW 121 FI	*BMW 2002 TII	121.3-FI	M4	2750	3.64	18.1	2.5	18.	1.7	0.2
			*BMW 2002 TII	121.3-FI	M4	2750	3.64	20.3	2.7	16.	1.7	0.1
BMW												
BMW Bavaria	182.0	BMW 130	*BMW BAVARIA	182.0- 4	A3	3500	3.64	12.7	2.7	36.	2.0	0.4
BMW 3.0 S			*BMW BAVARIA	182.0- 4	M4	3500	3.64	13.8	2.3	34.	1.6	0.4
BMW 3.0 CS												
BRITISH LEYLAND AUSTIN MORRIS BMC												
MG Midget	77.9	A SERIES	*MG MIDGET	77.9- 1	M4	2000	3.90	22.4	2.6	31.	1.2	0.0
			*MG MIDGET	77.9- 1	M4	2000	3.90	21.7	3.0	35.	1.3	0.0
BRITISH LEYLAND AUSTIN MORRIS BMC												
MGB Sports	110.0	B SERIES	*MGB GT	110.0- 2	M4	3000	3.90	16.3	2.6	34.	2.2	0.3
MGB GT			*MGB SPORTS	110.0- 2	M4	2500	3.90	18.7	1.8	27.	1.7	0.0
Austin-Marina Two-Door De-Luxe Austin-Marina Two-Door GT Austin-Marina Four-Door Super De-Luxe			* Austin-Marina	110.0-1	M4	2500	3.64	22.0	1.7	25.	1.0	0.7

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
BRITISH LEYLAND ROVER 88" Land Rover	139.5	139.5	X88 LAND ROVER	139.5- 1	M4	3500	4.70	10.9	1.8	23.	1.8	0.0
			X88 LAND ROVER	139.5- 1	M4	3500	4.70	17.7	1.7	23.	1.7	0.1
BRITISH LEYLAND STANDARD TRIUMPH Triumph TR6	152.0	TB	X TR-6	152.0- 2	M4	2750	3.70	16.0	2.5	36.	1.3	1.0
			X TR-6	152.0- 2	M4	2750	3.70	16.9	2.9	34.	1.3	0.6
BRITISH LEYLAND STANDARD TRIUMPH Triumph Spitfire	91.0	TC	X SPITFIRE	91.0- 1	M4	2000	3.89	23.1	3.2	28.	1.5	0.0
			X SPITFIRE	91.0- 1	M4	2000	3.89	22.3	2.9	27.	1.3	0.6
CHECKER A-11 Taxicab A-11E Taxicab A-12 Marathon A-12E Marathon A-12W Marathon	250.0	GM-102	A-11 SEDAN	250.0- 1	A3	4000	3.31	13.8	2.5	26.	2.4	0.3
			X A-11 SEDAN	250.0- 1	A3	4000	3.31	13.2	2.3	32.	1.9	0.1
CHECKER A-11 Taxicab A-11E Taxicab A-12 Marathon A-12E Marathon A-12W Marathon	350.0	GM-104-2A	CHECKER SEDAN	350.0- 2	A3	4500	3.31	11.0	3.4	33.	2.0	0.0
CHECKER A-12W8 Aerobus	350.0	GM-104-4A	CHECKER AEROBU	350.0- 4	A3	5500	3.54	9.1	3.0	36.	2.2	0.0

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CHRYSLER												
Valiant	198.0,225.0	RG	PLYMOUTH COMP	225.0- 1	A3	3500	2.76	16.7	2.3	31.	2.9	0.2
Duster			PLYMOUTH COMP	225.0- 1	A3	3500	2.76	15.7	2.2	23.	2.8	0.3
Valiant Scamp			DODGE COMP	198.0- 1	A3	3500	3.55	16.0	2.6	21.	3.0	0.3
Valiant Scamp Special			* DODGE TRUCK	225.0- 1	M3	4000	3.91	12.1	2.9	37.	2.0	0.5
Valiant Brougham			* DODGE SP WAG	225.0- 1	M3	4000	3.90	11.5	2.8	35.	1.6	0.5
Dart Swinger Special			DODGE COMP	198.0- 1	A3	3500	2.76	NA 1/	2.2	23.	2.8	0.2
Dart												
Dart Sport												
Dart Custom												
Dart Swinger												
Dart Special Edition												
Satellite Police												
Satellite Taxi												
Satellite												
Satellite Sebring												
Satellite Custom												
Coronet Police												
Coronet Taxi												
Dodge Taxi												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Tradesman Van												
Sportsman												
Custom Sportsman												
Royal Sportsman												
Tradesman Maxivan												
Royal Sportsman SE												
Sportsman Maxiwagon												
Custom Sportsman Maxiwagon												
Royal Sportsman Maxiwagon												
Custom												
Adventurer												
Adventurer Sport												
Adventurer SE												
Club Cab Custom												
Club Cab Adventurer												
Club Cab Adventurer Sport												
Club Cab Adventurer SE												
AW100 Truck												

1/ Due to analyzer malfunction, no CO_2 data was available and, hence, no fuel economy data were calculated for vehicles designated "N.A.," or "not available."

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CHRYSLER												
Valiant	318.0,360.0	LA-2V	PLYMOUTH FS	360.0- 2	A3	5000	2.71	10.4	3.0	18.	2.2	0.8
Duster			PLYMOUTH INTER	318.0- 2	A3	4000	2.71	11.6	3.1	18.	2.8	0.8
Valiant Scamp			DODGE SP WAG	318.0- 2	M3	4500	3.55	11.4	2.6	30.	2.6	0.2
Valiant Brougham			PLYMOUTH INTER	318.0- 2	M4	4500	3.55	11.8	2.6	20.	2.7	0.6
Valiant Scamp Special			* PLYMOUTH COMP	318.0- 2	M3	4000	2.94	12.5	2.8	33.	1.8	0.2
Dart Swinger Special			DODGE SP WAG	360.0- 2	M3	4500	3.55	9.6	2.9	32.	2.8	0.2
Dart												
Dart Sport												
Dart Custom												
Dart Swinger												
Dart Special Edition												
Barracuda												
'Cuda												
Challenger												
Satellite Police												
Satellite Taxi												
Satellite												
Satellite Sebring												
Satellite Custom												
Satellite Sebring Plus												
Satellite Regent												
Road Runner												
Coronet Police												
Coronet Taxi												
Dodge Taxi												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Coronet Crestwood												
Charger SE												
B-1 Tradesman Van												
B-1 Sportsman												
B-1 Custom Sportsman												
B-1 Royal Sportsman												
B-1 Royal Sportsman SE												
B-2 Tradesman Van												
B-2 Tradesman Maxivan												
B-2 Sportsman												
B-2 Custom Sportsman												
B-2 Royal Sportsman												
B-2 Royal Sportsman SE												
B-2 Sportsman Maxiwagon												
B-2 Custom Sportsman Maxiwagon												
B-2 Royal Sportsman Maxiwagon												
B-3 Sportsman												
B-3 Custom Sportsman												
B-3 Royal Sportsman												
B-3 Royal Sportsman SE												
B-3 Sportsman Maxiwagon												
B-3 Custom Sportsman Maxiwagon												
B-3 Royal Sportsman Maxiwagon												
D-1 Custom												
D-1 Adventurer												
D-1 Adventurer Sport												
D-1 Adventurer SE												
D-1 Club Cab Custom												
D-1 Club Cab Adventurer												
D-1 Club Cab Adventurer Sport												
D-1 Club Cab Adventurer SE												
W-1 Custom												
W-1 Adventurer												
W-1 Adventurer Sport												
W-1 Club Cab Custom												
W-1 Club Cab Adventurer												
W-1 Club Cab Adventurer Sport												
AW-100												
Fury Police												
Fury Taxi												
Fury I												
Fury II												
Fury III												
Fury II-2 Door Hard Top												
Suburban												
Custom Suburban												
Fury Gran Coupe												
Fury Gran Sedan												
Sport Suburban												
Monaco Police												
Monaco Taxi												
Monaco												
Monaco Custom												
Monaco Special												
Monaco Station Wagon												
Monaco Custom Station Wagon												
Monaco Brougham												

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CHRYSLER												
Satellite Police	360.0	LA-4V	PLYMOUTH COMP	360.0- 4	A3	4000	2.94	10.9	2.6	28.	2.8	0.8
Satellite Taxi			* PLYMOUTH FS	360.0- 4	A3	5000	2.71	9.9	2.9	30.	2.1	0.4
Satellite			PLYMOUTH COMP	360.0- 4	M3	4000	3.55	11.8	2.5	20.	2.1	0.1
Satellite Sebring			* DODGE SP WAG	360.0- 4	A3	5000	3.73	8.5	2.5	31.	2.1	0.1
Satellite Custom			* PLYMOUTH INTER	360.0- 4	A3	5000	2.76	10.2	2.1	12.	2.0	0.1
Satellite Sebring Plus			* PLYMOUTH INTER	360.0- 4	M4	4500	3.55	9.1	2.5	34.	2.0	0.7
Satellite Regent												
Road Runner												
Coronet Police												
Coronet Taxi												
Dodge Taxi												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Coronet Crestwood												
Charger SE												
Fury Police												
Fury Taxi												
Fury I												
Fury II												
Fury III												
Fury II-2 Door Hard Top												
Suburban												
Custom Suburban												
Fury Gran Coupe												
Fury Gran Sedan												
Sport Suburban												
Monaco Police												
Monaco Taxi												
Monaco												
Monaco Custom												
Monaco Special												
Monaco Station Wagon												
Monaco Custom Station Wagon												
Monaco Brougham												
B-1 Tradesman Van												
B-1 Sportsman												
B-1 Custom Sportsman												
B-1 Royal Sportsman												
B-1 Royal Sportsman SE												
B-2 Tradesman Van												
B-2 Tradesman Maxivan												
B-2 Sportsman												
B-2 Custom Sportsman												
B-2 Royal Sportsman												
B-2 Royal Sportsman SE												
B-2 Sportsman Maxiwagon												
B-2 Custom Sportsman Maxiwagon												
B-2 Royal Sportsman Maxiwagon												
B-3 Sportsman												
B-3 Custom Sportsman												
B-3 Royal Sportsman												
B-3 Royal Sportsman SE												
B-3 Sportsman Maxiwagon												
B-3 Custom Sportsman Maxiwagon												
B-3 Royal Sportsman Maxiwagon												
D-1 Custom												
D-1 Adventurer												
D-1 Adventurer Sport												
D-1 Adventurer SE												
D-1 Club Cab Custom												
D-1 Club Cab Adventurer												
D-1 Club Cab Adventurer Sport												
D-1 Club Cab Adventurer SE												
W-1 Custom												
W-1 Adventurer												
W-1 Adventurer Sport												
W-1 Club Cab Custom												
W-1 Club Cab Adventurer												
W-1 Club Cab Adventurer Sport												
AW-100												
Duster 360												
Dart 360 Sport												
Barracuda												
'Cuda												
Challenger												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CHRYSLER												
Fury Police	400.0	B-2V	CHRYSLER	400.0- 2	A3	5000	2.71	8.7	2.4	32.	2.6	0.5
Suburban			CHRYSLER	400.0- 2	A3	5000	2.71	8.9	2.2	23.	2.5	0.2
Custom Suburban			PLYMOUTH FS SW	400.0- 2	A3	5500	3.23	8.0	2.4	36.	2.2	0.2
Fury Gran Coupe			PLYMOUTH FS SW	400.0- 2	A3	5500	3.23	8.9	1.9	27.	2.5	0.8
Fury Gran Sedan			DODGE FS	400.0- 2	A3	5000	3.23	7.9	1.8	30.	2.6	0.4
Sport Suburban			DODGE FS SW	400.0- 2	A3	5500	2.71	8.2	2.8	33.	2.7	0.6
Monaco												
Monaco Custom												
Monaco Brougham												
Newport												
Newport Custom												
CHRYSLER												
Satellite Police	400.0	B-4V	PLYMOUTH FS	400.0- 4	A3	5000	2.71	7.4	2.8	23.	2.8	0.8
Satellite			PLYMOUTH FS	400.0- 4	A3	5000	2.71	8.7	2.9	29.	2.8	0.2
Satellite Custom			PLYMOUTH FS	400.0- 4	A3	5000	2.71	8.6	3.0	39.	2.7	0.2
Satellite Sebring			PLYMOUTH FS	400.0- 4	A3	5000	3.23	8.9	2.8	28.	2.8	0.2
Satellite Sebring Plus			PLYMOUTH INTER	400.0- 4	M4	4500	3.55	9.2	2.8	29.	2.8	1.8
Satellite Regent			DODGE FS	400.0- 4	A3	5000	3.23	8.2	2.6	33.	2.3	0.3
Road Runner												
Coronet Police												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Coronet Crestwood												
Charger SE												
Fury Police												
Fury I												
Fury II												
Fury III												
Fury Gran Coupe												
Fury Gran Sedan												
Monaco Police												
Monaco												
Monaco Custom												
Monaco Brougham												
Monaco Special												
Newport												
Newport Custom												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CHRYSLER												
Fury Police	440.0	RB	CHRYSLER	440.0- 4	A3	5000	2.71	9.1	2.2	27.	3.0	0.9
Fury I			CHRYSLER	440.0- 4	A3	5000	2.71	8.4	1.8	23.	2.4	0.7
Fury II			* CHRYSLER SW	440.0- 4	A3	5500	3.23	8.9	2.2	30.	1.9	1.4
Suburban			* DODGE FS	440.0- 4	A3	5000	3.23	8.1	1.7	15.	2.2	0.7
Fury III			* DODGE TRUCK	440.0- 4	A3	4500	3.23	7.3	1.1	16.	1.7	0.2
Custom Suburban			PLYMOUTH INTER	440.0- 4	A3	4500	3.55	8.5	3.2	20.	3.0	0.7
Fury Gran Coupe												
Fury Gran Sedan												
Sport Suburban												
Monaco Police												
Monaco												
Monaco Custom												
Monaco Brougham												
Monaco Special												
Newport												
Newport Custom												
New Yorker												
Town and Country												
New Yorker Brougham												
Imperial Le Baron												
Custom												
Adventurer												
Adventurer Sport												
Adventurer SE												
Club Cab Custom												
Club Cab Adventurer												
Club Cab Adventurer Sport												
Club Cab Adventurer SE												
AW100 Truck												
Satellite Police												
Satellite												
Road Runner												
Satellite Sebring												
Satellite Custom												
Coronet Police												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Charger SE												

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
CITROEN												
SM	181.0	S	*SM	181.0- 6	M5	3500	4.37	11.2	2.6	19.	2.9	0.6
			*SM	181.0- 6	A4	3500	4.37	11.9	2.1	32.	1.9	0.2
FIAT												
128 Sedan 1300	78.7	128	*128 SEDAN	78.7- 2	M4	2250	4.08	17.4	1.9	29.	1.1	0.0
128 Sedan 1300, 2-door			*X1/9	78.7- 2	M4	2250	4.08	20.4	1.2	22.	1.0	0.0
128 Station Wagon 1300			*128 STN WGN	78.7- 2	M4	2250	4.42	17.8	1.9	28.	1.0	0.0
128 Coupe 1300												
X1/9												
FIAT												
124 Special TC	97.2,107.1	132	*124 SPECIAL TC	97.2- 2	M4	2500	4.10	20.2	1.5	29.	0.8	0.0
124 Station Wagon TC			*124 SPORT CPE	107.1- 2	M5	2750	4.30	16.0	1.7	28.	1.1	0.2
124 Sport Coupe 1800			*124 SPECIAL TC	97.2- 2	A3	2500	4.10	17.9	1.4	26.	1.3	0.0
124 Sport Spider 1800			*124 STN WGN	97.2- 2	A3	2750	4.30	17.7	1.6	31.	1.6	0.3
			*124 SPORT SDN	107.1- 2	M5	2500	4.30	18.0	1.7	34.	0.8	0.0
FORD												
Pinto Sedan	122.0	2.0L WHITE	PINTO	122.0- 2	M4	2750	3.40	22.8	2.9	24.	1.8	0.0
Pinto Station Wagon			*CAPRI	122.0- 2	A3	2750	3.44	15.5	1.9	36.	2.5	0.0
Capri Sedan			CAPRI	122.0- 2	A3	2750	3.44	16.9	2.0	31.	2.9	0.0
			*PINTO WAGON	122.0- 2	M4	3000	3.55	19.6	2.3	30.	2.7	0.1
			CAPRI	122.0- 2	M4	2750	3.44	19.8	2.2	39.	2.4	0.0
			PINTO WAGON	122.0- 2	M4	3000	3.55	18.2	2.4	36.	2.9	0.4
FORD												
Pinto Sedan	140.2	2.3L WHITE	*PINTO	140.2- 2	M4	2750	3.40	21.0	2.3	21.	1.4	0.0
Pinto Station Wagon			*MUSTANG	140.2- 2	A3	3000	3.55	16.9	0.8	19.	1.4	0.0
Mustang Notchback			*PINTO	140.2- 2	A3	2750	3.40	16.7	1.5	30.	1.6	0.0
Mustang Notchback Ghia			*PINTO SW	140.2- 2	A3	3000	3.40	16.6	1.4	35.	1.7	0.0
Mustang 2+2 Hatchback			*MUSTANG	140.2- 2	M4	3000	3.55	16.5	2.2	31.	1.7	0.1
Mustang 2 Passenger Hatchback												
FORD												
	140.2	2.3L BLUE	PINTO	140.2- 2	A3	3000	3.40	17.1	3.1	34.	2.1	0.2
			MUSTANG	140.2- 2	M4	3000	3.55	20.1	3.1	25.	1.7	0.0
			PINTO WAGON	140.2- 2	M4	3000	3.55	19.7	2.9	20.	2.0	0.0

Pinto (auto. Trans.): 3-door Sedan
Pinto (man. trans.): Station Wagon
Mustang (man. trans.): Notchback Ghia, 2+2 Hatchback, 2 passenger Hatchback

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FORD												
Mustang Notchback	170.8	2.8L WHITE	*MUSTANG	170.8- 2	M4	3500	3.55	N.A.	2.1	37.	1.9	0.1
Mustang Notchback Ghia			*MUSTANG	170.8- 2	A3	3500	3.55	13.0	3.0	35.	1.7	0.1
Mustang 2+2 Hatchback			CAPRI	170.8- 2	M4	3000	3.22	18.7	2.7	25.	2.6	0.2
Mustang 2 Passenger Hatchback			*CAPRI	170.8- 2	A3	3000	3.22	15.8	3.1	33.	1.6	0.3
Mustang Mach 1			MUSTANG	170.8- 2	A3	3500	3.55	15.0	3.1	38.	2.1	0.2
Capri Sedan			MUSTANG	170.8- 2	M4	3500	3.55	17.3	2.8	23.	2.6	0.2
FORD												
Maverick Sedan	200.0	200 WHITE	BRONCO	200.0- 1	M3	3500	4.11	14.1	2.9	25.	2.4	0.2
Maverick Grabber			*MAVERICK	200.0- 1	A3	3000	2.79	14.0	2.5	28.	2.1	0.0
Comet Sedan			BRONCO	200.0- 1	M3	3500	4.57	14.3	2.1	20.	2.0	0.6
Comet "GT"			MAVERICK	200.0- 1	A3	3500	2.79	16.3	2.9	33.	1.9	0.2
Bronco Wagon			COMET	200.0- 1	A3	3000	2.79	15.5	3.0	36.	2.1	0.0
			COMET	200.0- 1	M3	3500	3.00	19.9	3.2	28.	3.0	0.2
			MAVERICK	200.0- 1	A3	3000	2.79	15.0	3.0	38.	2.9	0.0
FORD												
E-100 Van	240.0	240 WHITE	E-200	240.0- 1	A3	4500	3.25	12.3	2.8	24.	2.3	0.3
E-100 Club Wagon			F-100	240.0- 1	A3	4000	3.50	11.3	2.7	17.	3.0	0.4
E-200 Van			E-300	240.0- 1	A3	4500	4.10	11.5	2.8	32.	2.4	0.0
E-200 Club Wagon			E-200	240.0- 1	A3	4000	4.11	12.4	2.8	23.	2.9	0.4
E-300 Club Wagon			E-100	240.0- 1	M3	4000	3.70	18.9	2.8	33.	2.5	0.0
F-100 Styleside Pick-up			F-100	240.0- 1	M3	4000	3.70	16.4	2.6	23.	2.3	0.0
F-100 Flareside Pick-up												
FORD												
Maverick Sedan	250.0	250 WHITE	MAVERICK	250.0- 1	A3	3500	2.79	15.6	2.2	27.	2.2	1.2
Maverick Grabber			TORINO	250.0- 1	A3	4000	3.00	N.A.	2.0	31.	3.0	0.3
Comet Sedan			COMET	250.0- 1	M3	3500	3.00	17.2	2.6	24.	2.7	0.0
Comet "GT" Sedan			TORINO	250.0- 1	A3	4000	3.25	14.0	2.5	37.	2.7	1.0
Torino												
Gran Torino												
Ranchero												
Ranchero Squire												
Montego												
FORD												
	250.0	250 RED	MAVERICK	250.0- 1	A3	3500	3.00	13.1	1.9	21.	1.4	0.1
Maverick Sedan			*MAVERICK	250.0- 1	A3	3500	3.00	14.5	2.0	21.	1.6	0.0
Maverick Grabber			*COMET 4DR	250.0- 1	M3	3500	3.00	15.1	3.4	35.	1.7	0.0
Comet Sedan			*MAVERICK	250.0- 1	M3	3500	3.00	16.7	3.1	17.	1.8	0.2
Comet GT												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
ORD												
E-100 Van	300.0	300 WHITE	*E-100	300.0- 1	M3	4000	3.70	12.0	2.4	32.	1.8	0.2
E-100 Club Wagon			*E-100	300.0- 1	M3	3500	3.70	N.A.	2.5	20.	1.4	0.0
E-200 Van			*E-200	300.0- 1	M3	4000	3.70	13.0	2.6	32.	1.8	0.0
E-200 Club Wagon			*F-100	300.0- 1	M3	4000	3.50	14.1	2.0	21.	1.8	0.5
F-100 Styleside Pick-up			*F-100	300.0- 1	M3	4000	3.70	13.4	2.8	21.	1.3	0.4
F-100 Flareside Pick-up												
ORD												
Maverick Sedan	302.0	302 WHITE	TORINO	302.0- 2	A3	4000	2.79	11.8	2.5	31.	2.1	0.2
Maverick Grabber			F-100	302.0- 2	M4	4000	3.25	10.4	2.6	38.	1.9	0.7
Comet Sedan			TORINO WAGON	302.0- 2	A3	4500	3.00	11.4	3.0	38.	2.5	0.6
Comet GT			ECONOLINE	302.0- 2	A3	4500	3.50	11.2	3.4	38.	3.0	0.3
Torino			BRONCO	302.0- 2	M3	4000	4.11	N.A.	2.5	23.	2.7	0.5
Gran Torino			MONTEGO	302.0- 2	M3	4500	3.00	11.0	2.5	37.	2.2	0.6
Gran Torino GT												
Gran Torino Brougham												
Torino Station Wagon												
Ranchero												
Ranchero Squire												
Ranchero GT												
Montego												
Montego MX												
Montego MX Brougham												
E-100 Van												
E-100 Club Wagon												
E-200 Van												
E-200 Club Wagon												
E-300 Club Wagon												
F-100 Styleside												
F-100 Flareside Pick-up												
Bronco Wagon												
ORD												
Maverick Sedan	302.0	302 BLUE	*E-200	302.0- 2	A3	4000	3.25	9.6	2.8	21.	1.6	0.5
Maverick Grabber			*F-100	302.0- 2	A3	4000	3.25	8.6	3.3	31.	1.5	1.4
Comet Sedan			*BRONCO	302.0- 2	M3	4000	3.50	10.1	2.9	27.	1.9	0.3
Comet "GT" Sedan			*BRONCO	302.0- 2	A3	4000	4.11	9.4	2.4	20.	1.4	1.0
E-100 Van			MONTEGO WAGON	302.0- 2	A3	5000	3.00	11.4	3.3	23.	3.0	0.4
E-100 Club Wagon			*MAVERICK	302.0- 2	A3	3500	3.00	12.1	3.4	31.	1.6	0.4
E-200 Van												
E-200 Club Wagon												
F-100 Styleside												
F-100 Flareside Pick-up												
Gran Torino Station Wagon												
Gran Torino Squire Station Wagon												
Montego MX Station Wagon												
Montego Villager Station Wagon												
Bronco Wagon												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	ENGINE FAMILY FAMILY DESIGNATION	TEST VEHICLES MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST) HYDRO-CARBONS
FORD												
Custom 500	351.0	351C(A) BLUE	TORINO WAGON	351.0- 2	A3	5000	3.25	8.3	2.3	35.	3.0	0.2
Galaxie 500			*COUGAR	351.0- 2	A3	4500	3.00	9.5	2.9	31.	2.1	0.3
LTD			MONTEGO	351.0- 2	A3	5000	3.25	9.1	2.2	28.	2.7	0.7
LTD Brougham			MONTEGO	351.0- 2	A3	4500	2.75	9.1	2.5	38.	2.7	0.9
Ranch Wagon			FORD	351.0- 2	A3	5000	3.07	9.3	2.8	31.	2.9	0.3
Country Sedan Station Wagon			TORINO WAGON	351.0- 2	A3	5000	3.00	10.3	3.1	36.	2.2	0.2
Torino												
Gran Torino												
Gran Torino GT												
Gran Torino Brougham												
Gran Torino X												
Torino Station Wagon												
Gran Torino Station Wagon												
Gran Torino Squire Station Wagon												
Ranchero 500												
Ranchero Squire												
Ranchero GT												
Montego												
Montego MX												
Montego MX Brougham												
Montego MX Station Wagon												
Montego Villager Station Wagon												
Cougar XR-7												
Mercury Monterey												
FORD												
FORD: Custom 500	351.0	351C(A) WHITE	*TORINO S.W.	351.0- 2	A3	5000	3.00	9.5	3.0	39.	1.8	0.0
FORD: Galaxie 500			*FORD	351.0- 2	A3	5000	3.07	9.6	2.5	32.	1.6	0.0
FORD: LTD												
FORD: LTD Brougham												
TORINO: Torino Station Wagon												
TORINO: Gran Torino Station Wagon												
TORINO: Torino Squire Station Wagon												
FORD												
Gran Torino	351.0	351(B) WHITE	TORINO	351.0- 4	A3	4500	3.25	9.9	2.2	13.	2.9	0.1
Gran Torino GT			COUGAR	351.0- 4	A3	5000	3.25	9.3	2.6	24.	2.9	1.2
Gran Torino Brougham			*PANTERA	351.0- 4	M5	3500	4.22	10.4	1.7	18.	2.0	0.0
Ranchero 500			TORINO	351.0- 4	M4	4500	3.50	9.8	2.0	20.	3.0	0.6
Ranchero Squire			RANCHERO	351.0- 4	M4	4500	3.50	9.0	2.4	23.	2.8	0.4
Ranchero GT			MONTEGO	351.0- 4	A3	5000	3.25	9.5	2.8	21.	3.0	0.0
Montego												
Montego MX												
Montego MX Brougham												
Cougar XR-7												
Pantera L												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FORD												
Custom 500	351.0	351W WHITE	TORINO	351.0- 2	A3	4500	2.75	10.8	2.6	30.	3.0	0.4
Galaxie 500			FORD	351.0- 2	A3	5000	2.75	10.7	2.7	30.	2.6	0.2
LTD			FORD S.W.	351.0- 2	A3	5000	2.75	10.4	2.2	28.	2.7	0.6
LTD Brougham			FORD	351.0- 2	A3	4500	3.25	10.0	2.7	27.	3.0	1.0
Custom Ranch Wagon			MONTEGO	351.0- 2	A3	5000	3.25	9.9	2.3	35.	2.4	1.2
Country Sedan Wagon			MONTEGO	351.0- 2	A3	5000	3.25	9.9	2.7	34.	2.5	1.0
Country Squire Wagon												
Torino												
Gran Torino												
Gran Torino GT												
Gran Torino X												
Torino Brougham												
Cougar XR-7												
Montego												
Montego MX												
Montego Brougham												
FORD												
Styleside Pick-up	360.0,390.0	360/390 BLUE	F-100	360.0- 2	M3	4500	3.25	10.0	2.7	26.	3.0	0.1
Flareside Pick-up			F-100	360.0- 2	A3	4500	3.00	8.7	3.1	30.	2.7	0.3
			*F-100	360.0- 2	A3	4500	3.00	N.A.	1.2	23.	1.6	0.5
			*F-100	360.0- 2	A3	4500	4.11	8.7	2.4	20.	2.8	0.3
			*F-100	360.0- 2	M4	4500	3.50	10.2	2.4	26.	1.7	0.4
			F-100	390.0- 2	A3	4500	3.50	11.1	2.6	24.	2.8	0.2

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FORD												
Custom 500	400.0	400	*MERCURY S.W.	400.0- 2	A3	5500	3.00	7.9	3.4	38.	2.0	0.0
Galaxie 500			TORINO	400.0- 2	A3	4500	3.25	8.8	2.4	20.	2.5	0.1
LTD			FORD S.W.	400.0- 2	A3	5500	2.75	9.5	2.6	24.	3.0	0.6
LTD Brougham			*FORD	400.0- 2	A3	5000	3.00	9.6	3.0	36.	1.5	0.0
Ranch Wagon			FORD S.W.	400.0- 2	A3	5500	3.25	8.7	2.6	30.	2.7	0.0
Country Sedan			FORD	400.0- 2	A3	5000	2.75	10.0	2.3	19.	2.3	0.2
Country Squire												
Monterey												
Monterey Custom												
Marquis												
Marquis Brougham												
Monterey Wagon												
Marquis Wagon												
Colony Park												
Torino												
Gran Torino												
Gran Torino GT												
Gran Torino X												
Torino Station Wagon												
Gran Torino Station Wagon												
Torino Squire Station Wagon												
Ranchero 500												
Ranchero Squire												
Ranchero GT												
Montego												
Montego MX												
Montego MX Brougham												
Montego MX Station Wagon												
Montego Villager												
Cougar XR-7												
FORD												
FORD: Station Wagon	400.0	400 BLUE	*FORD S.W.	400.0- 2	A3	5500	3.00	9.0	2.0	33.	1.8	0.1
MERCURY: Station Wagon			*FORD S.W.	400.0- 2	A3	5500	3.00	9.5	1.9	36.	1.7	0.1

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FORD												
Custom 500	460.0	460(A) BLUF	F-100	460.0- 4	A3	4500	3.00	9.3	2.7	19.	2.7	0.4
Galaxie 500			MERCURY	460.0- 4	A3	5500	2.75	8.1	2.9	28.	2.7	0.4
LTD			FORD	460.0- 4	A3	5000	3.00	N.A.	2.3	18.	2.4	0.2
LTD Brougham			COUGAR	460.0- 4	A3	5000	3.00	8.6	3.1	37.	2.3	0.2
Ranch Wagon			MONTEGO WAGON	460.0- 4	A3	5500	3.25	7.2	2.2	37.	1.9	0.2
Country Sedan Wagon			COUGAR	460.0- 4	A3	5000	3.25	8.6	2.0	29.	2.3	1.0
Country Squire Station Wagon												
Monterey												
Monterey Custom												
Marquis												
Marquis Brougham												
Colony Park Station Wagon												
Monterey Station Wagon												
Marquis Station Wagon												
Torino												
Gran Torino												
Gran Torino GT												
Gran Torino X												
Gran Torino Brougham												
Torino Station Wagon												
Gran Torino Station Wagon												
Gran Torino Squire Station Wagon												
Ranchero 500												
Ranchero Squire												
Ranchero GT												
Montego												
Montego MX												
Montego MX Brougham												
Montego MX Station Wagon												
Montego Villager Station Wagon												
Cougar XR-7												
Styleside Pick-up												
Flareside Pick-up												
Continental												
Continental Mark IV												
Thunderbird												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FORD												
Custom 500	460.0	460(B)	*RANCHERO	460.0- 4	A3	4500	3.00	NA	2.6	21.	1.9	0.2
Galaxie 500			*MERCURY	460.0- 4	A3	5500	3.00	NA	3.0	31.	1.9	0.1
LTD			*FORD	460.0- 4	A3	5000	3.00	9.1	2.5	17.	2.0	0.9
LTD Brougham			*LINCOLN	460.0- 4	A3	5500	3.00	7.9	2.5	23.	2.0	0.8
Ranch Wagon												
Country Sedan												
Country Squire												
Monterey												
Monterey Custom												
Marquis												
Marquis Brougham												
Monterey Wagon												
Marquis Wagon												
Colony Park												
Torino												
Gran Torino												
Gran Torino GT												
Gran Torino X												
Torino Station Wagon												
Gran Torino Station Wagon												
Torino Squire Station Wagon												
Ranchero 500												
Ranchero Squire												
Ranchero GT												
Montego												
Montego MX												
Montego MX Brougham												
Montego MX Station Wagon												
Montego Villager												
Cougar XR-7												
Continental												
Continental Mark IV												
Thunderbird												

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
FUJI HEAVY IND												
Subaru 1400	83.0	A6	SUBARU COUPE	83.0- 2	M4	2250	3.89	21.7	1.8	17.	1.5	0.3
			*SUBARU COUPE	83.0- 2	M4	2250	3.89	20.8	2.9	18.	1.2	0.0
			SUBARU SW	83.0- 2	M4	2500	3.89	22.7	2.1	23.	1.6	0.3
			*SUBARU SW	83.0- 2	M4	2500	3.89	21.5	3.2	24.	1.3	0.3
(GM) CHEVROLET												
Vega Hatchback Coupe	140.0	101-1	VEGA HATCHBACK	140.0- 1	A3	2750	2.92	19.6	1.8	26.	2.2	0.0
Vega Notchback Sedan			*VEGA PANEL EXP	140.0- 1	M4	2750	3.36	15.1	2.6	26.	1.3	0.0
Vega Kammback Wagon			VEGA HATCHBACK	140.0- 1	M3	2750	2.53	24.6	2.1	24.	1.8	0.0
Vega Panel Express			*VEGA KAMMBACK	140.0- 1	A3	3000	3.36	20.0	1.6	18.	1.8	0.1
			VEGA PANEL EXP	140.0- 1	M3	2750	2.92	20.0	2.8	24.	2.1	0.0
			VEGA KAMMBACK	140.0- 1	A3	3000	3.36	18.9	1.6	15.	2.2	0.0
(GM) CHEVROLET												
	140.0	101-2A	*VEGA HATCHBACK	140.0- 2	A3	3000	2.92	19.4	3.4	25.	2.8	0.0
Vega Hatchback Coupe			*VEGA KAMMBACK	140.0- 2	A3	3000	2.92	15.7	3.3	33.	2.5	0.3
Vega Notchback Sedan												
Vega Kammback Wagon												
Vega Panel Express												
(GM) CHEVROLET												
	140.0	101-2H	VEGA HATCHBACK	140.0- 2	A3	3000	2.92	17.9	2.0	24.	2.2	1.1
Vega Hatchback Coupe			*VEGA HATCHBACK	140.0- 2	M4	3000	2.92	17.4	2.9	23.	1.6	1.4
Vega Notchback Sedan			VEGA KAMMBACK	140.0- 2	A3	3000	3.36	17.1	2.3	25.	2.3	1.5
Vega Kammback Wagon			*VEGA KAMMBACK	140.0- 2	A3	3000	3.36	14.9	2.1	26.	1.8	1.0
Vega Panel Express			*VEGA PANEL	140.0- 2	M4	3000	3.36	15.4	2.6	17.	1.6	0.8
			*VEGA HATCHBACK	140.0- 2	M3	3000	2.92	16.3	2.8	27.	1.5	0.7
(GM) CHEVROLET												
Chevelle Malibu	250.0	102	C-10 FLEETSIDE	250.0- 1	M3	4000	3.73	13.5	1.9	18.	2.6	0.1
Chevelle Malibu Sport			NOVA HATCHBACK	250.0- 1	A3	3500	3.08	15.2	2.2	15.	1.9	0.1
Chevelle Malibu Classic			P-10 STEPVAN	250.0- 1	M4	4500	4.11	9.4	2.0	20.	1.7	0.1
Chevelle Malibu Classic Sport			NOVA HATCHBACK	250.0- 1	A3	4000	3.08	15.7	2.2	16.	2.0	0.1
Lemans			*C-10 FLEETSIDE	250.0- 1	M3	4000	4.11	11.7	2.2	19.	1.6	0.0
Lemans Sport			G-20 SPORTVAN	250.0- 1	A3	4500	4.11	12.4	2.6	24.	3.0	0.0
Camaro												
Firebird		C-10 Blazer										
Nova		C-10 Stepside Pickup										
Nova Custom		C-10 Fleetside Pickup										
Ventura		C-10 Suburban										
Ventura Custom		K-10 Blazer										
Omega		K-10 Blazer										
Apollo		K-10 Stepside Pickup										
Camaro Sport		K-10 Fleetside Pickup										
Firebird Sport		P-15 Valuevan										
P-10 Stepvan		G-15 Van Dura										
-10 Chevy Van		G-15 Rally Wagon										
-10 Sportvan		G-25 Van Dura										
-20 Chevy Van		G-25 Rally Wagon										
20 Sportvan												
30 Sportvan												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) CHEVROLET												
Bel Air	350.0,400.0	104-2A	MALIBU CLASSIC	350.0- 2	A3	4500	2.73	9.9	3.3	30.	2.3	0.0
Impala Sport			IMPALA CUST CP	350.0- 2	A3	4500	3.08	10.1	2.8	24.	2.5	0.0
Impala Custom			K-10 BLAZER	350.0- 2	A3	5000	4.11	9.2	2.7	23.	2.8	0.2
Impala			G-10 BEAUVILLE	350.0- 2	M3	4500	3.73	8.5	2.8	27.	2.4	0.0
Caprice Classic			IMPALA SPTSED	350.0- 2	A3	5000	3.42	11.0	3.0	20.	2.9	0.0
Caprice Classic Sport			CAPRICE CLS SP	400.0- 2	A3	5000	3.42	8.8	2.4	37.	3.0	0.1
Malibu												
Malibu Classic												
Laguna Type S3												
Malibu Wagon												
Malibu Classic Wagon												
Malibu Classic Estate Wagon												
El Camino												
El Camino Classic												
Monte Carlo												
Camaro												
Camaro LT												
Nova												
Nova1 Custom												
G-10 Chevy Van												
G-10 Sport Van												
G-10 Beauville Sport Van												
C-10 Balzer												
C-10 Stepside Pick-up												
C-10 Fleetside Pick-up												
K-10 Blazer												
Sprint												
Sprint Classic												
G-15 Van Dura												
G-15 Rally Wagon												
G-15 Rally STX												
C-15 Jimmy												
C-15 Fenderside Pick-up												
C-15 Wideside Pick-up												
K-15 Jimmy												

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	TEST VEHICLES: ENGINE DISP. & CARB. VENTURIS	TEST VEHICLES: TRANS.	TEST VEHICLES: INERTIA WEIGHT CLASS (LBS.)	TEST VEHICLES: AXLE RATIO	TEST VEHICLES: FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): CARBON MONOXIDE	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): OXIDES OF NITROGEN	CERTIFICATION LEVELS: EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) CHEVROLET												
Camaro	350.0.400.0	104-4	*C-10 PICKUP	350.0- 4	A3	4500	3.07	10.0	2.9	30.	1.5	0.2
Camaro "LT"			C-10 PICKUP	350.0- 4	A3	4500	3.07	11.6	3.4	36.	2.7	0.0
Corvette			G-20 SPORTVAN	350.0- 4	A3	5500	3.73	N.A.	3.3	36.	2.1	0.0
Nova			*CAPRICE WAGON	400.0- 4	A3	5500	3.42	9.6	1.4	23.	1.4	0.0
Nova Custom			G-30 SPORTVAN	350.0- 4	M3	5000	4.10	10.1	2.8	28.	2.6	0.0
Bel Air Wagon			CAPRICE WAGON	400.0- 4	A3	5500	3.42	8.8	2.2	17.	2.5	0.0
Impala Wagon												
Caprice Classic Wagon												
Malibu												
Malibu Sport												
Malibu Classic Sport												
Malibu Classic												
Laguna Type S3 Sport												
Malibu Wagon												
Malibu Classic Wagon												
Malibu Classic Estate Wagon												
El Camino												
Sprint		G-20 Rally STX										
El Camino Classic		G-30 Sport Van										
Sprint Custom		G-30 Rally Wagon										
Monte Carlo		G-30 Beauville Sport Van										
Bel Air		G-30 Rally STX										
Impala Sport		K-10 Blazer										
Impala Custom		K-10 Jimmy										
Impala		K-10 Suburban										
Caprice Classic		K-20 Suburban										
Caprice Classic Sport												
C-10 Blazer												
C-10 Jimmy												
C-10 Stepside Pick-up												
C-10 Fenderside Pick-up												
C-10 Fleetside Pick-up												
C-10 Wideside Pick-up												
G-10 Chevy Van												
G-10 Van Dura												
G-20 Chevy Van												
G-20 Van Dura												
K-10 Stepside Pick-up												
K-10 Fenderside Pick-up												
K-10 Fleetside Pick-up												
K-10 Wideside Pick-up												
C-10 Suburban												
C-10 Sport Van												
G-10 Sport Van												
C-10 Rally Wagon												
G-10 Beauville Sport Van												
C-10 Rally STX												
G-20 Sport Van												
G-20 Rally Wagon												
G-20 Beauville Sport Van												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) CHEVROLET												
Laguna Sport	454.0	105B	*LAGUNA	454.0- 4	M4	4500	3.42	7.6	1.8	21.	1.6	0.2
Malibu Sport			*C-20 SUBURBAN	454.0- 4	A3	5500	3.73	7.2	2.1	37.	1.8	0.1
Malibu			*C-10 SUBURBAN	454.0- 4	A3	5000	3.07	8.8	2.8	23.	1.7	0.1
Malibu Classic Sport			C-20 SUBURBAN	454.0- 4	A3	5500	4.10	7.1	3.0	23.	2.6	0.1
Malibu Classic			CAPRICE CLSSED	454.0- 4	A3	5000	2.73	8.6	2.3	23.	2.2	0.1
El Camino Classic			IMPALA EST WAG	454.0- 4	A3	5500	3.42	10.0	1.7	24.	2.1	0.1
El Camino												
Malibu Classic Estate Wagon												
Malibu Classic Wagon												
Malibu Wagon												
Monte Carlo Coupe												
Caprice Classic												
Caprice Classic Sport												
Impala Sport												
Impala												
Impala Custom												
Bel Air												
Caprice Estate Wagon												
Impala Wagon												
Bel Air Wagon												
C-10 Stepside Pick-up												
C-10 Suburban												
C-10 Fleetside Pick-up												
C-20 Suburban												
Corvette												
Sprint Custom												
Sprint												
C-15 Fenderside Pick-up												
C-15 Suburban												
C-15 Wideside Pick-up												
C-25 Suburban												
(GM) PONTIAC												
Ventura	350.0,400.0	201-2	LEMANS	350.0- 2	A3	4500	2.73	9.9	3.0	35.	2.5	0.0
Ventura Custom			LEMANS SAFARI	350.0- 2	A3	5000	3.08	8.6	2.7	26.	2.4	0.9
Firebird			LEMANS	350.0- 2	M4	4500	3.23	8.4	2.6	32.	2.6	0.1
Esprit			CATALINA SAFAR	400.0- 2	A3	5500	3.08	8.3	2.7	33.	2.4	0.0
Formula			GRAND AM	400.0- 2	A3	4500	2.93	8.8	2.7	30.	2.4	0.0
LeMans			*BONNEVILLE	400.0- 2	A3	5000	3.23	7.8	2.3	37.	1.4	0.0
LeMans Sport												
LeMans Safari												
Luxury LeMans												
Luxury LeMans Safari												
Grand AM												
Catalina												
Bonneville												
Catalina Safari												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) PONTIAC												
LeMans	350.0	201-4	GTO	350.0- 4	M4	4000	3.08	8.9	2.0	12.	2.3	0.0
LeMans Sport			LEMANS SPORT	350.0- 4	A3	4500	3.08	9.2	3.1	23.	2.3	0.0
Luxury LeMans			*GTO	350.0- 4	A3	4000	3.08	8.9	2.5	18.	1.9	0.0
Ventura			LEMANS	350.0- 4	A3	4500	3.08	9.0	3.3	30.	2.6	0.0
Ventura Custom			VENTURA	350.0- 4	A3	4000	3.08	9.9	2.7	14.	2.4	0.0
GTO			LEMANS SPORT	350.0- 4	M4	4500	3.23	9.4	3.2	30.	2.4	0.3
(GM) PONTIAC												
Formula	400.0,455.0	202	GRAND VILLE	455.0- 4	A3	5000	2.93	8.1	3.0	29.	2.2	0.4
Trans AM			CATALINA 4DSED	400.0- 4	A3	5000	3.08	9.2	2.5	28.	1.9	0.0
LeMans			GRAND SAFARI	455.0- 4	A3	5500	3.23	8.4	2.6	7.	2.7	0.0
LeMans Sport			STAGEWAY COACH	455.0- 4	A3	5500	3.23	8.5	2.9	24.	2.9	0.1
LeMans Safari			*GRAND PRIX SJ	455.0- 4	A3	4500	3.23	8.4	2.3	22.	1.8	0.0
Luxury LeMans			TRANS AM	400.0- 4	M4	4500	3.42	8.6	2.0	22.	2.0	0.1
Luxury LeMans Safari												
Grand AM												
Grand Prix												
Grand Prix SJ												
Catalina												
Bonneville												
Grand Ville												
Catalina Safari												
Grand Safari												
Stageway Coach												
(GM) PONTIAC												
Trans AM	455.0	202 SD	TRANS AM	455.0- 4	A3	4500	3.08	8.2	3.1	28.	2.8	0.0
Formula			TRANS AM	455.0- 4	M4	4500	3.42	7.9	2.6	31.	2.8	0.0
			TRANS AM	455.0- 4	A3	4500	3.42	10.1	3.2	18.	2.0	0.0
(GM) OLDSMOBILE												
Omega	350.0	301-4	OMEGA	350.0- 4	A3	4000	3.08	N.A.	2.5	15.	1.2	0.1
Cutlass			DELTA 88 ROYAL	350.0- 4	A3	5000	3.08	9.0	2.8	20.	2.7	0.1
Cutlass S			CUTLASS S	350.0- 4	A3	4500	2.73	9.5	3.4	15.	2.2	0.1
Cutlass Supreme			VISTA CRUISER	350.0- 4	A3	5000	3.23	8.7	2.9	16.	2.8	0.1
Cutlass Salon			CUTLASS SALON	350.0- 4	A3	4500	3.08	10.3	3.0	11.	2.9	0.1
Cutlass Supreme Station Wagon			*CUTLASS SUPREM	350.0- 4	A3	4500	2.73	9.4	2.6	16.	1.4	0.1
Cutlass Supreme Vista Cruiser												
Delta 88												
Delta 88 Royale												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) OLDSMOBILE												
Cutlass	455.0	302-4	TORONADO	455.0- 4	A3	5500	2.73	8.3	1.7	18.	2.4	0.1
Cutlass S			CUTLASS S	455.0- 4	A3	4500	3.23	7.3	1.7	30.	2.2	0.0
Cutlass Supreme			*DELTA 88 WAGON	455.0- 4	A3	5500	3.23	7.0	1.9	32.	1.7	0.1
Cutlass Salon			DELTA 88 WAGON	455.0- 4	A3	5500	3.23	7.6	1.6	20.	2.7	0.0
Cutlass Supreme Station Wagon			*TORONADO	455.0- 4	A3	5500	3.07	6.8	2.2	28.	1.7	0.1
Cutlass Supreme Vista Cruiser			98 REGENCY	455.0- 4	A3	5500	2.73	7.6	1.7	26.	2.6	0.1
Delta 88												
Delta 88 Royale												
Delta 88 Custom Cruiser												
Ninety Eight												
Ninety Eight Luxury Sedan												
Ninety Eight Regency												
Toronado												
(GM) BUICK												
Apollo Hatchback	350.0	401-2	*CENTURY	350.0- 2	A3	4500	2.73	10.1	1.9	24.	1.7	0.2
Apollo Coupe			*CENTURY LUXWAG	350.0- 2	A3	5000	3.23	9.7	2.0	30.	1.7	0.0
Apollo Sedan			REGAL	350.0- 2	A3	4500	2.73	8.8	2.5	31.	2.5	0.3
Century 350 Coupe			LESABRE	350.0- 2	A3	5000	2.73	9.0	3.3	22.	2.8	0.2
Century 350 Sedan			LESABRE	350.0- 2	A3	5000	3.23	10.0	2.3	33.	2.8	0.6
Century 350/Gran Sport												
Century Luxus Coupe												
Century Luxus Sedan												
Regal Formal Coupe												
Regal Sedan												
Century 350 2 Seat Wagon												
Century 350 3 Seat Wagon												
Century Luxus 2 Seat Wagon												
Century Luxus 3 Seat Wagon												
Lesabre Coupe Hardtop												
Lesabre Sedan												
Lesabre Luxus Coupe Hardtop												
Lesabre Luxus Convertible												
Lesabre Luxus Hardtop												
Lesabre Luxus Sedan												
Lesabre Hardtop												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) BUICK												
Apollo	350.0	401-4A	CENTURY 350	350.0- 4	A3	4500	2.73	10.4	2.6	27.	2.0	0.3
Century 350			*LESABRE	350.0- 4	A3	5000	3.08	9.0	2.9	25.	1.6	0.0
Century 350/Gran Sport			*CENTURY WAGON	350.0- 4	A3	5000	3.23	N/A	2.0	23.	2.1	0.0
Century Luxus			LESABRE	350.0- 4	A3	5000	3.23	10.4	2.6	20.	2.7	0.3
Regal Formal												
Regal												
Century 350 Wagon												
Century Luxus Wagon												
Lesabre												
Lesabre Luxus												
(GM) BUICK												
Century 350	455.0	402-2	CENTURY 350	455.0- 2	A3	4500	3.42	8.8	2.4	23.	2.6	0.5
Century Luxus			LESABRE	455.0- 2	A3	5000	2.73	8.1	2.5	26.	2.7	0.6
Regal			LESABRE	455.0- 2	A3	5000	3.23	8.7	2.6	31.	2.3	0.8
Regal Formal			LESABRE	455.0- 2	A3	5000	2.73	7.6	1.9	26.	2.9	0.2
Lesabre												
Lesabre Luxus												
GM) BUICK												
Century 350	455.0	402-4	*GRAN SPORT	455.0- 4	A3	4500	3.42	9.1	3.3	24.	1.8	0.0
Century Luxus			*ESTATE WAGON	455.0- 4	A3	5500	3.23	8.1	2.2	17.	1.7	1.3
Regal Formal			ESTATE WAGON	455.0- 4	A3	5500	3.23	9.6	2.3	16.	2.8	0.0
Regal			*ELECTRA 225	455.0- 4	A3	5500	2.73	7.6	1.6	27.	1.7	0.3
Century 350 Gran Sport 455			ELECTRA 225	455.0- 4	A3	5500	2.73	8.3	2.6	27.	2.1	0.0
Lesabre			ESTATE WAGON	455.0- 4	A3	5500	3.23	9.3	3.1	13.	3.0	0.0
Lesabre Luxus												
Estate Wagon												
Electra 225												
Electra Limited												
Riviera												
Riviera GS												
Riviera GS Stage I												
Century 350 Wagon												
Century Luxus Wagon												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
(GM) CADILLAC												
Calais	472.0,500.0	501	DEVILLE	472.0- 4	A3	5500	2.93	8.9	2.6	22.	2.6	0.3
DeVille			*FLEETWOOD 75LI	472.0- 4	A3	5500	3.15	8.7	2.8	30.	1.6	0.3
Fleetwood 60 Brougham			FLEETWOOD 75LI	472.0- 4	A3	5500	3.15	8.2	1.7	20.	1.9	0.3
Fleetwood 75 Sedan			ELDORADO	500.0- 4	A3	5500	3.07	8.0	1.8	37.	2.4	0.3
Fleetwood 75 Limo			*ELDORADO	500.0- 4	A3	5500	3.07	10.4	1.7	23.	1.2	0.3
Eldorado												
GLASSIC												
Phaeton	302.0	302	*PHAETON	302.0- 2	A3	2750	3.00	12.3	2.2	36.	1.0	0.2
Roadster												
HONDA												
	75.5	74FH	*CIVIC	75.5- 2	M4	2000	4.93	29.1	2.2	34.	1.2	0.4
Honda Civic - 2-door Sedan			*CIVIC	75.5- 2	SA	2000	4.11	21.8	1.7	39.	1.5	0.0
Honda Civic - 3-door Sedan												
IHC												
Scout 4x2	258.0	6-258	100PICKUP 2WD	258.0- 1	M3	4000	3.73	12.7	1.3	21.	2.5	0.0
Scout 4x4			SCOUT 4WD	258.0- 1	M3	4000	3.73	12.3	1.0	23.	2.1	0.7
100 Pick-up 4x2			*SCOUT 2WD	258.0- 1	A3	4000	4.27	11.3	1.3	24.	1.9	0.0
			100PICKUP 2WD	258.0- 1	M4	4000	4.09	11.1	1.4	27.	2.3	0.4
IHC												
Scout 4x2	304.0	V-304	100PICKUP 2WD	304.0- 2	M3	4500	3.54	N.A.	3.0	33.	1.9	0.2
Scout 4x4			SCOUT 4WD	304.0- 2	M3	4000	3.73	9.6	2.4	31.	1.9	0.2
100 Pick-up 4x2			100PICKUP 2WD	304.0- 2	A3	4500	4.09	9.6	2.8	34.	3.0	0.4
100 Pick-up 4x4			100PICKUP 2WD	304.0- 2	M5	4500	4.09	N.A.	3.1	26.	2.6	0.2
IHC												
Scout 4x2	345.0	V-345-2	100T'ALL 2WD	345.0- 2	M5	5000	4.09	7.2	3.0	28.	2.3	0.5
Scout 4x4			100PICKUP 2WD	345.0- 2	A3	4500	3.54	9.9	2.8	25.	2.4	0.0
100 Pick-up 4x2			400T'ALL 2WD	345.0- 2	M4	5000	3.07	N.A.	3.0	34.	2.4	0.3
100 Pick-up 4x4			SCOUT 4WD	345.0- 2	A3	4500	3.73	9.6	2.4	24.	1.8	0.0
100 Travelall 4x2												
IHC												
Scout 4x2	345.0	V-345-4	*100 PICKUP 2WD	345.0- 4	A3	4500	3.54	9.0	2.9	32.	1.8	0.0
Scout 4x4			*SCOUT 2WD	345.0- 4	M4	4500	3.73	7.4	2.8	20.	1.6	0.1
100 Pick-up 4x2			*100PICKUP 2WD	345.0- 4	M5	4500	4.09	8.7	2.7	28.	1.5	0.0
			*SCOUT 4WD	345.0- 4	A3	4500	3.73	8.5	1.8	27.	1.6	0.3
IHC												
100 Pick-up 4x2	391.0	V-392	100T'ALL 2WD	391.0- 4	A3	5500	3.73	7.2	2.2	29.	2.6	1.8
100 Pick-up 4x4			100T'ALL 2WD	391.0- 4	A3	5500	3.54	7.8	2.5	29.	2.5	1.9
100 Travelall 4x2			200T'ALL 4WD	391.0- 4	A3	5500	3.54	7.5	2.1	33.	2.5	0.2
100 Travelall 4x4												
200 Travelall 4x2												
200 Travelall 4x4												

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
IHC												
100 Pickup 4X2	401.0	V-400	100PICKUP 2WD	401.0- 2	A3	4500	3.54	9.3	1.4	20.	1.6	0.4
100 Travelall 4X2			100T'ALL 2WD	401.0- 2	A3	5000	3.54	9.8	1.4	26.	2.0	0.8
200 Travelall 4X2			100T'ALL 2WD	401.0- 2	M4	5000	3.54	8.3	2.5	18.	2.1	0.4
ISUZU												
LUV	110.8	G180	*LUV PICKUP	110.8- 2	M4	2750	4.56	17.5	2.5	31.	1.4	1.0
KB30			*LUV PICKUP	110.8- 2	M4	2750	4.56	21.7	2.0	31.	1.1	0.2
LAMBORGHINI												
Espada 400 GT	239.7	L-403	*JARAMA 400GT	239.7-12	M5	4000	4.50	7.3	1.8	17.	0.8	0.0
Jarama 400 GT			*ESPADA 400GT	239.7-12	M5	4000	4.50	7.2	1.3	20.	0.8	0.0
LOTUS												
Europa Special	95.0	TWIN CAM	*EUROPA SPECIAL	95.0- 2	M5	2000	3.78	25.2	3.2	22.	1.6	0.0
			*EUROPA	95.0- 2	M4	2000	3.56	24.5	2.8	16.	1.3	0.0
MASERATI												
Bora (117)	301.0	107/49	*BORA	301.0- 8	M5	4000	3.77	11.6	0.4	15.	1.1	0.0
Khamsin (120)			*120	301.0- 8	M5	4000	3.77	7.8	1.1	25.	1.3	0.0
MERCEDES BENZ												
MB 115	141.0	L-4	MB-115	141.0- 1	A4	3500	3.92	14.3	2.2	17.	1.9	0.1
			MB-115	141.0- 1	A4	3500	3.92	12.9	2.4	16.	2.0	0.1
MERCEDES BENZ												
MB 114	167.5	L/6-US	MB-114	167.5- 4	A4	3500	3.92	13.1	2.8	23.	2.2	0.8
			MB-114	167.5- 4	A4	3500	3.92	14.1	2.4	22.	1.6	0.0
MERCEDES BENZ												
MB 114	167.5	L/6-CALIF.	*MB-114	167.5- 4	A4	3500	3.92	10.9	0.7	19.	1.0	0.7
			*MB-114	167.5- 4	A4	3500	3.92	11.3	0.7	17.	1.5	0.0
MERCEDES BENZ												
MB 107	276.0	V/8-US	MB- 107	276.0-FI	A3	4000	3.07	10.1	1.8	19.	2.0	0.1
MB 107			MB-116	276.0-FI	A3	4500	3.07	9.9	2.7	23.	2.8	0.1
MERCEDES BENZ												
MB 107	276.0	V/8-CALIF.	*MB-107	276.0-FI	A3	4000	3.07	10.6	2.2	16.	2.0	0.0
MB 116			*MB-116	276.0-FI	A3	4500	3.07	10.3	2.4	16.	2.3	0.0

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
MITSUBISHI												
Dodge Colt	97.5	4G32	DODGE COLT CP	97.5- 2	M4	2500	3.89	22.5	2.7	29.	2.1	0.3
Plymouth Cricket			DODGE COLT CP	97.5- 2	A3	2500	3.89	21.5	1.9	30.	2.7	0.0
			*DODGE COLT SW	97.5- 2	M4	2750	3.89	21.8	2.4	35.	1.3	0.2
			DODGE COLT SW	97.5- 2	M4	2750	3.89	22.8	2.6	21.	1.8	0.2
			*DODGE COLT SW	97.5- 2	A3	2750	3.89	21.9	2.1	35.	1.4	0.2
MITSUHISHI												
Dodge Colt	121.8	4G52	DODGE COLT CP	121.8- 2	A3	2500	3.55	19.1	2.7	34.	1.9	0.0
Plymouth Cricket			DODGE COLT CP	121.8- 2	A3	2500	3.55	18.7	2.6	33.	2.1	0.1
			DODGE COLT SW	121.8- 2	A3	2750	3.55	21.2	2.1	31.	1.8	0.0
			*DODGE COLT SW	121.8- 2	A3	2750	3.55	18.3	2.8	39.	1.3	0.1
NISSAN												
Datsun 710	108.0	4	DATSUN PICKUP	108.0- 2	M4	2750	4.38	18.5	2.8	27.	1.3	0.0
Datsun Pickup			*DATSUN 710	108.0- 2	M4	2500	3.89	20.0	2.9	24.	1.3	0.0
			DATSUN 710	108.0- 2	M4	2750	3.89	19.5	3.0	28.	1.2	0.5
			DATSUN 710	108.0- 2	A3	2750	4.11	20.7	2.6	29.	1.3	0.0
			DATSUN PICKUP	108.0- 2	A3	2750	4.62	20.4	2.8	35.	1.4	0.1
NISSAN												
Datsun B210	78.7	5	*DATSUN B210	78.7- 2	A3	2250	3.90	22.2	2.7	37.	1.2	0.5
			*DATSUN B210	78.7- 2	M4	2250	3.90	24.9	1.9	18.	1.1	0.6
			*DATSUN B210	78.7- 2	M4	2250	3.90	21.9	2.0	25.	1.3	0.4
NISSAN												
Datsun 610	119.1	6	*DATSUN 610	119.1- 2	M4	2750	3.70	20.6	2.3	21.	1.2	0.8
			*DATSUN 610	119.1- 2	M4	2750	3.89	19.5	3.2	26.	1.2	0.0
			*DATSUN 610	119.1- 2	A3	2750	3.89	19.8	1.7	23.	1.3	0.3
NISSAN												
Datsun 260Z	156.6	7	*DATSUN 260Z	156.6- 1	A3	3000	3.54	15.8	3.0	20.	1.6	0.0
			*DATSUN 260Z	156.6- 1	M4	3000	3.36	16.2	2.8	14.	1.2	0.0
			*DATSUN 260Z	156.6- 1	M4	3000	3.36	15.0	2.7	22.	1.3	0.2
OPEL												
Manta	115.8	601	MANTA	115.8- 2	M4	2500	3.44	18.2	3.4	28.	2.2	0.1
Manta Luxus			MANTA LUXUS	115.8- 2	A3	2500	3.44	17.8	2.7	30.	2.4	0.1
Manta Rallye			*MANTA RALLYE	115.8- 2	M4	2500	3.67	19.8	3.1	24.	1.6	0.0
Opel 1900			MANTA RALLYE	115.8- 2	M4	2500	3.67	18.7	2.6	23.	2.0	0.2
			*OPEL 1900	115.8- 2	A3	2500	3.44	18.2	2.8	34.	1.8	0.5

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	TEST VEHICLES: ENGINE DISP. & CARB. VENTURIS	TEST VEHICLES: TRANS.	TEST VEHICLES: INERTIA WEIGHT CLASS (LBS.)	TEST VEHICLES: AXLE RATIO	TEST VEHICLES: FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): CARBON MONOXIDE	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): OXIDES OF NITROGEN	CERTIFICATION LEVELS: EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
PEUGEOT												
504 Sedan	120.0	504 XN1 1974	504XN1	120.0- 2	A3	3000	3.78	17.0	0.6	25.	1.3	0.2
504 Station Wagon			504XN1	120.0- 2	M4	3000	3.78	16.8	1.3	14.	1.0	0.0
PORSCHE												
911T	163.9	I	911 S	163.9-FI	SA	2750	3.86	16.9	2.0	19.	2.5	0.0
911S			911 T	163.9-FI	M5	2750	4.45	16.1	1.6	19.	1.6	0.0
911 Carrera			911 T	163.9-FI	M4	2750	4.45	19.1	1.5	20.	1.8	0.0
			911 S	163.9-FI	M5	2750	4.45	17.2	1.3	13.	1.6	0.0
RENAULT												
	95.5	807	17 SPORT CPE	95.5-FI	M5	2750	3.77	17.8	1.9	26.	1.8	0.4
			17 SPORT CPE	95.5-FI	M5	2750	3.77	22.2	2.0	30.	2.0	0.6
Renault 17 Gordini Coupe												
Renault 17 Gordini Coupe Convertible												
RENAULT												
	100.5	841	12 SDN	100.5- 2	M4	2500	3.77	18.8	1.9	32.	1.5	0.1
			15 CPE	100.5- 2	M4	2500	3.77	17.9	1.9	29.	2.4	0.2
			12 SDN	100.5- 2	A3	2500	3.55	19.1	1.7	28.	2.5	0.8
Renault 12 Four-Door Sedan			12 SDN	100.5- 2	M4	2500	3.77	17.8	2.1	31.	1.3	0.6
Renault 12L Four-Door Sedan			17 TL CPE	100.5- 2	M4	2750	3.77	17.5	1.7	27.	1.4	0.2
Renault 12TL Four-Door Sedan			12 ST WAG	100.5- 2	A3	2750	3.55	22.2	2.0	29.	1.8	0.6
Renault 12 Four-Door Station Wagon												
Renault 15TL Coupe												
Renault 17TL Coupe												
Renault 17TL Coupe Convertible												
ROLLS-ROYCE												
	412.0	1	SILVER SHADOW	412.0- 2	A3	5000	3.07	9.3	3.0	36.	1.8	0.1
Rolls-Royce Silver Shadow			SILVER SHADOW	412.0- 2	A3	5500	3.07	7.8	2.0	33.	1.7	0.1
Rolls-Royce Corniche												
Rolls-Royce Corniche Mark II												
Bently 'T' Series												
Bently Corniche												
SAAB												
SAAB 97 Sonnett	103.5	P103.5	SAAB 97	103.5- 1	M4	2250	4.66	21.7	1.9	18.	2.1	0.0
			SAAB 97	103.5- 1	M4	2250	4.66	20.3	2.3	37.	2.2	0.0
SAAB												
SAAB 99 (X-7)	121.0	BC 20	SAAB 99	121.0- 1	M4	2750	3.89	18.8	1.7	24.	2.2	0.5
SAAB 99 L												
SAAB												
SAAB 99 LE	121.0	BE 20	SAAB 99 LE	121.0-FI	M4	3000	3.89	17.0	2.8	30.	1.7	0.4
SAAB 99 EMS			SAAB 99 LE	121.0-FI	A3	3000	3.89	16.1	1.7	18.	2.4	0.6
SAAB 99 CC			SAAB 99 LE	121.0-FI	M4	2750	3.89	19.4	2.7	18.	1.8	0.6
SAAB 99 GLE												

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MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
TOYO KOGYO MAZDA: 808 Sedan MAZDA: 808 Coupe MAZDA: 808 Station Wagon MAZDA: B1600 Pickup	96.8	TOYO-1	*MAZDA 808 COUP	96.8- 2	A3	2500	4.11	18.9	2.1	33.	2.2	0.0
			*MAZDA 808 COUP	96.8- 2	M4	2500	3.70	20.0	2.5	27.	1.9	0.0
TOYO KOGYO MAZDA: B1800 Pickup COURIER: Pickup	109.6	TOYO-2	*COURIER PICKUP	109.6- 2	M4	3000	4.11	15.2	2.3	30.	0.9	0.0
			COURIER PICKUP	109.6- 2	M4	3000	4.11	14.2	1.8	25.	1.1	0.0
			*COURIER PICKUP	109.6- 2	A3	3000	4.63	14.3	1.2	27.	1.1	0.0
TOYO KOGYO MAZDA: RX-2 Sedan MAZDA: RX-2 Coupe MAZDA: RX-3 Sedan MAZDA: RX-3 Coupe MAZDA: RX-3 Station Wagon	70.0	TOYO-3	*MAZDA RX3 WAGN	70.0- 4	M4	2750	3.70	10.8	1.8	15.	0.7	0.0
			*MAZDA RX3 COUP	70.0- 4	A3	2750	3.70	10.7	2.6	34.	0.7	0.0
			*MAZDA RX2 COUP	70.0- 4	M4	2750	3.90	10.6	1.6	14.	0.8	0.0
TOYO KOGYO MAZDA: RX-4 Sedan MAZDA: RX-4 Coupe MAZDA: RX-4 Station Wagon MAZDA: Rotary Pickup	80.0	TOYO-4	*MAZDA RX4 COUP	80.0- 4	A3	3000	3.90	10.3	2.4	28.	1.2	0.2
			*MAZDA RX4 WAGN	80.0- 4	M4	3000	3.90	10.4	2.6	19.	0.9	0.2
			*MAZDA ROTRY PU	80.0- 4	M4	3000	4.63	12.8	1.6	10.	1.1	0.2

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDRO-CARBONS
TOYOTA												
Corolla-1	71.2	3KC	*COROLLA-1 COOP	71.2- 2	M4	2000	4.22	27.1	2.0	17.	1.4	0.4
			*COROLLA-1 SED	71.2- 2	M4	2000	4.22	24.8	2.0	21.	1.4	0.2
TOYOTA												
Corolla-2	96.9	2TC	COROLLA-2 SED	96.9- 2	M4	2250	4.11	22.6	2.5	26.	1.4	0.2
			COROLLA-2 SED	96.9- 2	A2	2250	3.90	20.8	2.3	28.	1.8	0.2
			COROLLA-2 STWN	96.9- 2	A3	2500	4.10	19.0	1.3	24.	1.8	0.1
			*COROLLA-2 SED	96.9- 2	A2	2500	4.10	19.6	1.2	21.	1.7	0.0
			*COROLLA-2 SED	96.9- 2	M4	2250	3.91	18.8	1.8	20.	1.5	0.0
			*COROLLA-2 STWN	96.9- 2	A3	2500	4.10	21.1	2.1	18.	2.6	0.0
TOYOTA												
Celica	120.0	18R-C	*CORONA-2D SED	120.0- 2	A3	2500	4.10	18.4	2.4	29.	1.5	0.3
Corona			CORONA-2D SED	120.0- 2	A3	2500	4.10	16.9	1.7	27.	2.3	0.1
Hilux 1/2-Ton Pick-up			CORONA-2D SED	120.0- 2	M4	2500	3.91	18.4	2.1	27.	2.1	0.0
Hilux Camper			*HILUX CAMPER	120.0- 2	M4	3000	4.11	17.1	2.7	21.	1.8	0.1
			*CORONA HRD TOP	120.0- 2	M4	2750	3.91	16.9	2.5	24.	1.4	0.5
			HILUX PICKUP	120.0- 2	M4	2750	4.11	16.3	2.0	21.	2.3	0.5
TOYOTA												
Corona Mark II	156.4	4R	*MARK II STWGN	156.4- 2	A3	3000	4.11	15.2	2.1	22.	1.6	0.1
			MARK II STWGN	156.4- 2	A3	3000	4.11	19.4	1.4	14.	2.2	0.0
			*MARK II SEDAN	156.4- 2	M4	3000	3.90	15.0	2.0	21.	1.6	0.0
			MARK II SEDAN	156.4- 2	A3	3000	3.90	15.4	1.6	21.	2.1	0.1
			MARK II SEDAN	156.4- 2	M4	3000	3.90	15.1	2.0	20.	1.9	0.1
TOYOTA												
Land Cruiser	236.7	F	*LAND CRUISERSW	236.7- 2	M4	4500	4.11	8.3	1.9	23.	1.4	0.7
			LAND CRUISERHT	236.7- 2	M3	4000	4.11	12.6	2.1	24.	1.7	0.2
			LAND CRUISERSW	236.7- 2	M3	4500	4.11	9.7	1.9	26.	2.6	0.1

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST) HYDRO-CARBONS
TVR												
TVR 2500M	152.0	TH	*TVR 2500M	152.0- 2	M4	2500	3.45	19.0	1.9	25.	1.9	0.4
VOLVO												
VOLVO: 142	121.0	B20FA	144	121.0-FI	A3	3000	4.10	16.1	2.7	25.	2.6	0.0
VOLVO: 144			*145	121.0-FI	M4	3500	4.10	18.4	3.1	30.	3.5	0.1
VOLVO: 145			142	121.0-FI	M5	3000	4.30	17.5	2.5	17.	2.8	0.0
VOLVO												
VOLVO: 142	121.0	B20FM	*144	121.0-FI	A3	3000	4.10	17.0	3.2	38.	2.2	0.1
VOLVO: 144			145	121.0-FI	M4	3500	4.10	15.8	3.4	37.	2.0	0.0
VOLVO: 145												
VOLVO												
VOLVO: 164	182.0	B30F	*164	182.0-FI	A3	3500	3.31	12.1	2.1	9.	1.7	0.0
			164	182.0-FI	A3	3500	3.31	14.5	2.2	13.	2.3	0.0
			164	182.0-FI	M5	3500	3.73	13.4	3.0	28.	2.6	0.0
VOLKSWAGEN												
	97.0	1	*DELUXE SEDAN11	97.0- 1	M4	2250	3.88	20.9	2.5	25.	2.0	0.4
Deluxe Sedan 11			VW 181	97.0- 1	M4	2250	4.12	21.0	2.6	24.	1.8	0.0
Karman Ghia 14			*CONVERTIBLE 15	97.0- 1	SA	2500	4.12	22.6	3.4	32.	1.8	0.0
VW Convertible 15			*KARMAN GHIA 14	97.0- 1	M4	2250	3.88	21.7	2.1	25.	1.8	0.0
VW 181			DELUXE SEDAN11	97.0- 1	M4	2250	3.88	N.A.	3.4	23.	2.5	0.0
			*KARMEN GHIA 14	97.0- 1	SA	2250	4.12	N.A.	3.1	39.	1.3	0.0
VOLKSWAGEN												
Delivery Van 21	102.0,109.0	2	SQUAREBACK 46	109.0-FI	A3	2750	3.91	24.6	2.2	23.	2.2	0.0
Station Wagon 22			KOMBI 22	109.0-FI	M4	3500	4.86	19.6	3.2	34.	1.5	0.0
Kombi 23			*SQUAREBACK 46	109.0-FI	A3	2750	3.91	20.0	2.5	26.	1.6	0.0
412 Sedan			*KOMBI 22	109.0-FI	A3	3500	4.45	16.3	3.4	33.	1.8	0.0
412 Wagon			KOMBI 22	109.0-FI	A3	3500	4.45	18.4	2.8	30.	2.8	0.0
			SQUAREBACK 46	102.0-FI	M4	2750	3.90	27.9	2.7	23.	2.4	0.0
VOLKSWAGEN												
Roadster 914/4	120.0	3	*ROADSTER 914-4	120.0-FI	M5	2500	4.43	17.5	2.4	20.	1.9	0.0
2 litre			*ROADSTER 914-4	120.0-FI	M5	2500	4.43	17.0	2.3	20.	1.9	0.0

1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY: DISP. (CUBIC IN.)	ENGINE FAMILY: FAMILY DESIGNATION	TEST VEHICLES: MODEL	ENGINE DISP. & CARB. VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDROCARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPORATIVE EMISSIONS (GMS/TEST): HYDROCARBONS
VOLKSWAGEN												
Dasher Sedan 32	90.0	4	VW SEDAN 32	90.0- 2	A3	2500	4.09	23.3	3.3	35.	2.8	0.1
Dasher Station Wagon 33			VW SEDAN 32	90.0- 2	M4	2500	4.11	24.3	3.2	27.	1.9	0.1
			AUDI FOX	90.0- 2	M4	2500	4.11	22.0	2.4	36.	1.8	0.1
			*VW STN WAG 33	90.0- 2	A3	2500	4.09	21.2	2.5	32.	2.2	0.1
VOLKSWAGEN												
	90.0	4A	*AUDI FOX	90.0- 2	M4	2500	4.11	21.1	1.9	20.	1.3	0.3
Volkswagen Dasher Sedan 32			*VW SEDAN 32	90.0- 2	M4	2500	4.11	22.7	2.5	24.	1.3	0.3
Volkswagen Dasher Station Wagon 33			*VW SEDAN 32	90.0- 2	A3	2500	4.09	22.7	1.5	21.	1.8	0.5
			*VW STN WAG 33	90.0- 2	A3	2500	4.09	23.7	1.8	20.	1.4	0.0
VOLKSWAGEN												
Delivery Van 21	109.0	5	KOMBI 22	109.0- 2	M4	3500	4.86	18.5	2.3	26.	2.1	0.0
Station Wagon 23			KOMBI 22	109.0- 2	A3	3500	4.36	19.0	2.3	37.	2.7	0.0
Kombi 23			KOMBI 22	109.0- 2	M4	3500	4.86	17.2	3.1	26.	2.7	1.4
			KOMBI 22	109.0- 2	A3	3500	4.36	17.9	3.1	33.	2.1	0.1

1974 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family: Displacement (Cubic Inches)	Engine Family: Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels: Exhaust Emissions: Hydrocarbons + NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR
AMC-1 H.D.G.	360	III	360	9	19
	401		401	11	38
Chrysler Corporation	198-225	RG	225	14	20
	318	LA	318	13	28
			318	15	38
			318	16	28
	360	LA-1	360	13	30
	361	LB	361	13	24
			361	15	23
	400	B	400	16	15
	413	RB	413	15	17
			413	14	20
	440	RBM	440	16	23
			440	14	25
			440	13	20
Diamond Reo	400	I-6	400	10	28
	468	V-8	468	13	12
Ford Motor Company	300	300	300	8	16
	302	302	302	14	14
	330	330-361-391	330	12	33
	361		361	11	17
	391		361	15	19
			391	12	16
	360	360-390	360	15	17
	390		390	16	14

Manufacturer	Engine Family: Displacement (Cubic Inches)	Engine Family: Family Designation	Test Engine: Displacement (Cubic Inches)	Certification Levels: Exhaust Emissions: Hydrocarbons + NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR
Ford Motor Company	401	401-477-534	401	16	30
	477		477	12	28
	534		534	15	27
	460	460	460	14	34
General Motors Corp H.D.G.	250	GM-111	250	12	25
			250	12	26
	292	GM-112	292	13	25
			292	9	15
	350	GM-113	350	12	17
			350	13	19
			350	15	29
	366	GM-114	366	13	32
	427		427	14	26
			366	12	37
	454	GM-115	454	12	27
	455	GM-312	455	12	15
	379	GM-811	379	14	23
	432		432	15	26
	478		478	13	25
	305	GM-813	305	13	24

1974 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family: Displacement (Cubic In.)	Engine Family: Family Designation	Test Engine Displacement (Cubic In.)	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR
General Motors Corp.	250	GM-111	250	12	25
			250	12	26
	292	GM-112	292	13	25
			292	9	15
	350	GM-113	350	12	17
	350		350	13	19
	350		350	15	29
	366	GM-114	366	13	32
	366		366	12	37
	427		427	14	26
	454	GM-115	454	12	27
	455	GM-312	455	12	15
	379	GM-811	379	14	23
	432		432	15	26
	478		478	13	25
	305	GM-813	305	13	24
	472	GM-511	472	14	20
	455	GM-211	455	13	18
International Harvester	258	6-258	258	15	26
	304	V-304	304	8	34
			304	11	25
	345	V-345	345	13	31
			345	14	22
	392	V-392	392	13	36
			392	12	27
	450	RD-406,450	450	13	34
	501	RD-501	501	10	32
	478	LV-8	478	12	30
			478	15	36

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Caterpillar	NA	1	1145	160	326	10	8	16	15	44
			1145	160	326	11	6	12	9	36
	NA	2	1150	185	403	12	10	13	14	31
			1150	185	403	11	9	11	11	27
	NA	3	1160	210	474	11	6	8	8	18
			1160	210	474	11	7	7	9	15
	TC	4	3306	250	690	6	1	9	7	15
			3306	250	690	6	1	11	6	21
	TC&I	5	1674	270	805	5	1	18	13	24
			1674	270	805	5	1	15	6	21
	TC	6	1693T	325	1000	7	1	13	3	22
			1693T	325	1000	6	1	11	3	26
	TC&I	7	1693TA	425	1275	5	1	17	3	24
			1693TA	425	1275	5	1	17	2	25
	TC	8	3406	280	840	9	2	11	5	13
			3406	280	840	11	3	12	7	15
	TC	9	3406	325	970	7	2	7	8	9
			3406	325	970	6	1	7	7	8
	TC&I	10	3406	375	1145	6	1	16	9	19
			3406	375	1145	6	1	19	5	27
Hino	NA	EB	EB300	165	435	8	4	9	11	16
			EB300	165	435	6	5	11	13	17

1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Certification Levels: Smoke Emissions: Lug (%)	Certification Levels: Smoke Emissions: Peak (%)
Cummins Engine Co. Inc.	NA	091	NH-230 0026	220	644	8	5	6	6	6
			NH-230 0026	220	644	9	5	7	6	10
	TC	092	NTF-365A 0155	365	957	14	2	12	4	19
			NTF-365A 0155	365	957	12	4	15	5	20
	TC&AC	093-A	NTC-350 0160	350	1006	13	2	16	5	18
			NTC-350 0160	350	1006	11	3	15	5	17
	NA	093-B	NTA-400 0162	400	1150	11	4	16	6	25
			NTA-400 0162	400	1150	12	3	16	5	24
	TC	171	V-903 0160	295	680	10	5	9	10	12
			V-903 0160	295	680	8	6	10	10	13
	TC	172-A	VT-350 0136	350	848	9	2	15	6	19
			VT-350 0136	350	848	9	2	13	3	20
	TC	172-B	VT-903 0112	320	775	8	2	11	1	16
			VT-903 0112	320	775	9	2	9	2	17

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Certification Levels: Smoke Emissions: Lug (%)	Certification Levels: Smoke Emissions: Peak (%)
Cummins Engine Co. Inc.	NA	181	Super-250 0124	240	710	9	3	7	8	8
			Super-250 0124	240	710	9	4	6	7	8
	TC	182	NTC-927 0133	350	1002	13	2	11	4	13
			NTC-927 0133	350	1002	14	3	15	5	20
	TC&AC	183	NTA-400 0115	400	1200	11	3	18	9	28
			NTA-400 0115	400	1200	11	3	16	9	22
	TC	192	KT-450 0159	450	1350	10	3	12	2	22
			KT-450 0159	450	1350	10	3	13	2	22
	NA	201	V6-155 5004	149	289	11	11	12	10	17
			V6-155 5004	149	289	13	8	9	6	12
	NA	211	V8-210 5003	202	387	11	7	10	6	19
			V8-210 5003	202	387	12	8	9	7	12
	NA	221	V-555-225 5005	216	425	10	5	10	11	13
			V-555-225 5005	216	425	9	5	12	14	17
	TC	222	VT-555-240 5012	240	447	9	2	15	7	18
			VT-555-240 5012	240	447	11	3	12	3	22
	TC	152	VT-1710-635 0061	635	1790	13	2	11	3	19
			VT-1710-635 0061	635	1790	10	3	12	4	17

1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Certification Levels: Smoke Emissions: Lug (%)	Certification Levels: Smoke Emissions: Peak (%)
General Motors Corp.	NA	6V-53N	6V-53N	210	440	14	9	7	6	17
			6V-53N	210	440	14	7	13	5	32
	NA	6L-7IN(4V)	6L-7IN (4V)	250	610	12	14	19	15	30
			6L-7IN (4V)	250	610	13	15	16	9	31
	NA	8V-7IN(4V)	8V-7IN (4V)	333	814	14	10	15	7	28
			8V-7IN (4V)	333	814	12	9	14	7	28
	NA	12V-7IN(4V)	12V-7IN (4V)	456	1200	11	9	18	6	36
			12V-7IN (4V)	456	1200	14	8	14	7	25
	NA	8V-7IN(4V) Coach	8V-7IN (4V) Coach	280	770	11	4	3	4	5
			8V-7IN (4V) Coach	280	770	12	5	3	6	6
	NA	6V-7IN(2V) Coach	6V-7IN (2V) Coach	198	556	13	5	2	2	2
			6V-7IN (2V) Coach	198	556	11	4	2	2	2
	TC	6L-71T	6L-71T	262	725	12	3	19	3	35
			6L-71T	262	725	6	1	10	3	19
	TC	8V-71T	8V-71T	350	965	12	4	15	5	23
			8V-71T	350	965	12	4	13	6	18
	NA	DH-478 (Truck)	DH-478 (Truck)	130	288	11	5	5	7	10
			DH-478 (Truck)	130	288	13	5	7	7	9
	NA	6V-92	6V-92	285	768	12	15	13	13	21
			6V-92	285	768	10	13	15	13	22
	NA	8V-92	8V-92	380	1025	13	10	15	9	29
			8V-92	380	1025	14	7	11	8	17
	TC	6V-92T	6V-92T	322	890	12	3	10	4	20
			6V-92T	322	890	12	3	14	3	30
	TC	8V-92T	8V-92T	430	1186	12	4	12	3	31
			8V-92T	430	1186	12	4	18	4	41

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons+NO_x GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Certification Levels: Smoke Emissions: Lug (%)	Certification Levels: Smoke Emissions: Peak (%)
International Harvester	NA	DV-550B	190BHP	190	360	12	7	12	12	17
			190BHP	190	360	12	7	14	12	24
Mack Trucks, Inc.	NA	1	END673E	180	540	13	7	10	12	14
			END673E	180	540	13	7	10	11	14
	TC	3A	ENDT(B) 673C	250	700	15	3	14	4	25
			ENDT(B) 673C	250	700	14	3	13	4	21
	TC	3B	ENDT(B) 673C	235	906	15	3	11	10	23
			ENDT(B) 673C	235	906	15	3	8	7	20
			ENDT(B) 673C	235	906	14	3	13	9	31
			ENDT(B) 673C	235	906	14	3	14	7	31
	TC	6A	ENDT(B) 865	322	1100	16	3	19	12	33
			ENDT(B) 865	322	1100	13	3	19	10	32
	TC	6B	ENDT(B) 865	322	1100	13	3	14	13	19
			ENDT(B) 865	322	1100	15	3	12	11	16
	TC&I	7A	ENDT676	300	1130	12	2	12	11	23
			ENDT676	300	1130	13	2	12	8	23
			ENDT676	300	1130	11	2	16	11	33
			ENDT676	300	1130	11	2	12	8	28
	TC&I	7B	ENDT(B) 676	300	1130	11	1	15	15	34
			ENDT(B) 676	300	1130	10	1	14	8	27
Saab-Scania	TC	1B	DS8	216	510	14	4	17	6	29
			DS8	216	510	14	3	16	6	29
	NA	2	D8	155	385	11	9	13	12	21
			D8	155	385	11	9	12	10	18
			D8	155	385	12	7	12	11	15
White	TC	LDT-465	LDT-465-1C	134	335	10	3	16	10	21
			LDT-465-1C	134	335	9	3	14	9	20

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PART III

OFFICE OF MANAGEMENT AND BUDGET

■

Report Under the Federal Impoundment and Information Act

OFFICE OF MANAGEMENT AND BUDGET

Honorable GERALD T. FORD,
President of the Senate,
Washington, D.C. 20510.

FEBRUARY 19, 1974.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF FEBRUARY 4, 1974

THE APPORTIONMENT AND RESERVATION OF FUNDS PROCESS

The Antideficiency Act (31 U.S.C. 665) requires, with certain exceptions, that all appropriations, funds, and contract authority be apportioned so as to: prevent obligation of funds in a manner which would require deficiency or supplemental appropriations; achieve the most effective and economical use of amounts made available; provide for contingencies; and effect savings. The Act also requires that apportionments shall be reviewed at least four times each year, and it authorizes reapportionments and the establishment of reserves. The authority granted by this Act is exercised by the Director of the Office of Management and Budget under authority delegated by the President.

Apportionments specify the amounts that may be obligated during specific time periods, usually within the current fiscal year. In some cases, specific provisions of law provide that funds should be available over a period longer than one year. In cases where the amount of contract authority available a year in advance is specified by law, a distinction is made in the accompanying report (Attachment D) between the 1974 and 1975 programs.

The practice of withholding some amounts—"reserving" them—from apportionment, either temporarily or for longer periods, is one of long-standing and has been exercised by all recent administrations as a customary part of financial management. The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. When funds are, by law, made available beyond the current fiscal year, they are generally not fully apportioned in the current year. The unapportioned part is withheld to be released later for use in subsequent years, as required.

In some legislative and appropriation actions, the Congress has required the withholding of specified funds. For example, the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act (Public Law 92-399) explicitly required that an amount be placed in reserve pending an administrative determination of need. In other cases, notably the 1974 Labor-HEW Appropriations Act (Public Law 93-192), Congress has authorized the withholding from obligation and expenditure of specified amounts or percentages or appropriated funds. A table showing the amounts withheld under Public Law 93-192 is Attachment A to this report.

In this case, and in instances in which statutory restrictions prevent the use of funds during the fiscal year, the amounts are not considered a part of availability and are therefore not included in the listings of reserves.

In yet another case, Congress has made funds available only upon the arrival of certain contingencies. The 1974 Supplemental Appropriations Act (Public Law 93-245) sets aside a contingency reserve for the Interior Department's Office of Oil and Gas which is to become available only upon enactment of emergency energy legislation.

These Congressional directives are, however, the exception rather than the rule. Most reserves are established at the initiative of the Executive Branch and are based on operational knowledge of the status of specific projects or activities. For example, when a particular objective can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, apportionments sometimes await (1) development by the affected agencies of approval plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). From time to time, reserves are established for the purpose of conforming to the requirements of other laws. An example is the Executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Most, but not all, funds provided by the Congress are subject to the apportionment process. Subsection (f) of the Antideficiency Act authorizes a series of exemptions. Temporary continuing appropriations are exempt from the apportionment process (Public Law 93-52, as amended, Section 103). Appropriations provided under such temporary continuing appropriation acts are usually indefinite in amount. In addition, some laws establish funding arrangements which are either outside the apportionment process or require Executive determinations before they become subject to apportionment. The Federal Water Pollution Control Act of 1972 (Public Law 92-500), for example, vests discretion in the Administrator of the Environmental Protection Agency to allot less than the maximum amounts authorized by the Act.[1] Under the provisions of the Act, authority to make contracts does not exist until the allotment is made. Consequently, fund availability (budget authority) exists only when allotments are made and only allotted funds move through the apportionment process. At this date, funds authorized by the Federal Water Pollution Control Act have been allotted on the following basis (dollars in billions):

Fiscal years	Authorized	Allotted	Unallotted
1973	5	2	3
1974	6	3	3
1975	7	4	3

Funds for the Department of Housing and Urban Development present two unique situations with respect to the apportionment of funds. An appropriation for five subsidized housing programs is provided under the account "Housing payments." This appropriation is requested for the payments coming due within a given fiscal year for housing subsidy programs for which long-term commitment authority has been authorized. Fund availability is represented only by the balances of the appropriated amounts; it does not represent the balance of the commitment authority which may extend from 30 to 40 years. Since reserves are established only on the basis of fund availability, and since funds appropriated for this program are needed for liquidation at an early date, no reserves have been established for the subsidized housing programs.

Funds for the Rehabilitation loan program of the Department of Housing and Urban Development have been the subject of litigation in the District Court for the District of Columbia. A total of $37,218,000 is involved, representing estimated repayments and interest not subject to appropriation action. The amount at issue includes funds which have not yet been—and may not be—received during the current fiscal year.

The amount of funds apportioned or held in reserve at any one time is heavily dependent upon events both preceding and following initial apportionment actions. Key among the predecessor events is the passage of the annual appropriation bills. Apportionments for most Federal programs are made within 30 days of enactment of the appropriation bills. The earlier in the fiscal year these apportionments occur, the greater is the chance that reserves will accompany them. Early in the fiscal year, program and project plans are incomplete and allowances need to be made for contingencies which may occur later in the year.

[1] Whether the discretion exists at the allotment stage or at some later stage is now before the courts.

As administrative plans are completed and other events occur during the year, the need for reserving funds diminishes. Thus, for any one fiscal year, the amount in reserve is relatively low at the beginning of the year (reflecting primarily multi-year funds), peaks 30 days after passage of most of the appropriation bills, and then steadily diminishes as the end of the fiscal year approaches.

RESERVES AS OF FEBRUARY 4, 1974

All but $3.7 billion of the 11.8 billion in reserve for 1974 is accounted for by reserve actions in three areas: Federal aid highways ($3.4 billion), emergency security assistance for Israel ($2.2 billion), and programs of the Department of Defense ($2.5 billion). Virtually all of the $6.3 billion in reserve for 1975 is in the Federal aid highways account and other highway programs

The $4.4 billion increase in budgetary reserves for the 1974 program reflects the passage of ten regular appropriation bills and a supplemental appropriation bill since the September 30 report, which included apportionments and reserves for only the three appropriation bills then enacted.

Reserve actions have been initiated in some programs and amounts in reserve increased in others principally to await completion of 1974 program and project plans and to meet contingencies during the 1974 program-year. In the case of programs which have been provided obligational authority beyond the current fiscal year, reserves have been established to ensure that funds will be available beyond FY 1974 as needed. In addition, reserve actions have been taken in some programs to set aside funds to be used later in the year to meet increased pay costs and thus eliminate the need for supplemental appropriations.

REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments" and certain other information pertaining thereto. This report lists the budgetary reserves that were in effect as of February 4, 1974.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

Attachment D lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on September 30, 1973). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of February 4, 1974;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons; and

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described in Attachments B and C. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

ATTACHMENT A

1974 LABOR/HEW APPROPRIATIONS—FUNDS WITHHELD FROM OBLIGATION AND EXPENDITURE

The 1974 appropriations act for the Departments of Labor, and Health, Education, and Welfare, and related agencies (P.L. 93-192) contains the provision that "not to exceed $400 million, * * * may be withheld from obligation and expenditure * * *." The appropriation language also specifies that no individual appropriation provision may be reduced by more than five percent. In addition, the conference report (H.R. 93-682) establishes dollar limitations for the reductions that may be made to specified programs.

The following table shows the effect of the amounts withheld from programs receiving appropriations under this act. A comparison is drawn between amounts authorized to be withheld in the conference report and actual amounts withheld, as reflected in the 1975 Budget Appendix:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health

	(In thousands of dollars)		
	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
Health Services and Mental Health Administration:			
Mental health.....	26,874	9,567	-17,307
Health services planning and development 1/.....	17,509]		
Health services delivery 1/.....	] 2,800]	25,937	-16,649
Health manpower 1/..	22,277]		
Preventive health services.....	4,936	0	-4,936
Subtotal.....	(74,396)	(35,504)	(-38,892)
National Institutes of Health:			
National Cancer Institute.....	27,560	23,706	-3,854

1/ The 1974 activities of these programs are divided between Health Services Administration and Health Resources in the 1975 Budget Appendix.

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
National Institutes of Health--Cont'd:			
National Heart and Lung Institute.....	15,145	13,365	-1,780
National Institute of Dental Research.....	2,278	1,607	-671
National Institute of Arthritis, Metabolism and Digestive Diseases.....	7,972	6,486	-1,486
National Institute of Neurological Diseases and Stroke.....	6,250	5,042	-1,208
National Institute of Allergy and Infectious Diseases.....	5,700	3,596	-2,104
National Institute of General Medical Sciences.....	8,838	8,449	-389
National Institute of Child Health and Human Development.....	6,512	5,357	-1,155
National Eye Institute.....	2,081	1,684	-397
National Institute of Environmental Health Sciences.....	1,443	482	-961
Research resources.....	6,672	5,153	-1,519
John E. Fogarty International Center.....	237	0	-237
National Library of Medicine.....	877	0	-877
Subtotal.....	(91,564)	(74,927)	(-16,637)
Total, Health.....	165,960	110,431	-55,528
Education			
Office of Education:			
Elementary and secondary education....	96,725	94,979	-1,746
School assistance in Federally affected areas.....	16,584	16,584	0

	Authorized to be withheld (conference report	Amounts withheld (1975 Budget)	Difference
Office of Education--Cont'd:			
Education for the handicapped.....	5,325	5,325	0
Occupational, vocational, and adult education.....	26,354	26,354	0
Higher education.....	29,167	29,167	0
Library resources.....	8,585	3,688	-4,897
Educational development.....	4,487	4,487	0
Salaries and expenses..	93	93	0
Total, Education....	187,320	180,677	-6,643
Welfare			
Social and Rehabilitation Service:			
Grants to States for public assistance.....	2,500	2,500	0
Social and rehabilitation services.....	7,775	7,775	0
Subtotal.....	(10,275)	(10,275)	(0)
Office of Child Development:			
Child development.....	15,500	9,020	-6,480
Subtotal.....	(15,500)	(9,020)	(-6,480)
Total, Welfare.....	25,775	19,295	-6,480
RELATED AGENCIES			
Corporation for Public Broadcasting.....	2,500	2,250 2/	-250
Office of Economic Opportunity.....	17,315	9,800 3/	-7,515
Total, Related Agencies.....	18,815	12,050	-7,765
Total, HEW and Related Agencies	398,870	322,453	-76,416

2/ This withholding does not appear in the 1975 Budget Appendix.
3/ In the 1975 Budget Appendix, this figure is shown as an unobligated balance lapsing.

ATTACHMENT B

REASON FOR CURRENT RESERVE

Code

1—— "To provide for contingencies" (31 USC 665(c)(2)).

2—— "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

3—— To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

4—— "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

5—— Temporary deferral pending the establishment of an administrative machiney (not yet in place) or obtaining of sufficient information not yet available to apportion the funds properly and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6—— The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3):

6a—— Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b—— Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current and ensuing fiscal years to cover the total of all outlays in these years contemplated by the individual acts of Congress.

6c—— Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.

6d—— Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e—— Other. See footnote for each item so coded.

7—— The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).

8—— The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).

9—— Other. See footnote for each item so coded.

10—— Not applicable or no reason required. (In most cases where a previous reserve has been apportioned in its entirety.)

ATTACHMENT C

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The reserve action will bring the budgetary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.

III. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.

IV. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

V. Other. See footnote for each items so coded.

VI. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES

1974 Program
(Dollars in millions) 1/

Agency	Amount as of Sept. 30, 1973	Amount as of February 4, 1974
Executive Office of the President	--	1
Funds Appropriated to the President	96	2,507
Department of Agriculture	1,173	1,091
Department of Commerce	63	59
Department of Defense--Military	1,143	2,514
Department of Defense--Civil	1	4
Department of Health, Education, and Welfare	23	381
Department of Housing and Urban Development	456	823
Department of the Interior	162	219
Department of Justice	14	14
Department of Labor	--	21
Department of State	--	86
Department of Transportation	3,838	3,817
Department of Treasury	22	23
Atomic Energy Commission	27	--
Environmental Protection Agency	--	95
General Services Administration	258	38
National Aeronautics and Space Administration	2	2
Veterans Administration	43	--
Other Independent Agencies:		
National Science Foundation	4	--
Small Business Administration	31	31
All other	90	89
Total	7,446	11,813

1/ Details may not add due to rounding.

1975 Program
(Dollars in millions)

Agency	Amount as of Sept. 30, 1973	Amount as of Feb. 4, 1974
Department of Agriculture	---	140
Department of the Interior	75	190
Department of Transportation	---	5,994
Total	75	6,324

As of
February 4, 1974

BUDGETARY RESERVES

(Dollars in thousands)

GENERAL NOTES

Amounts in parenthesis () indicate actions superseded by later apportionment actions.
An asterisk * indicates an account added to the list since the last report.
An account without an entry in the amount apportioned column indicates no apportionment has been made for FY 1974.

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Executive Office of the President/Funds Appropriated to the President						
Appalachian Regional Commission: Appalachian Regional Development Programs						
(209,000)	(225,000)	Yes	6/29/73	7/01/73	5,6c	I
(320,395)	(40,000)	Yes	9/12/73	9/12/73	5,6c	I
325,747	40,000	Yes	10/23/73	10/23/73	5,6c	I
Agency for International Development: Prototype Desalting plant						
(---)	(20,000)	Yes	4/07/72	7/01/73	5	I
--- 1/	20,000	Yes	1/29/74	1/29/74	5	I
Foreign Military Credit Sales*						
78,940	246,060	No	1/23/74	1/23/74	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Emergency Security Assistance for Israel*						
---	2,200,000 2/	No	2/01/74	2/01/74	5	I
Council on Environmental Quality and Office of Environmental Quality*						
1,930	536	No	11/07/73	11/07/73	5	I
Special Action Office for Drug Abuse Prevention:* Salaries and Expenses						
(3,800)	(1,200)	No	12/26/73	12/26/73	5	I
5,000	---	NA	1/11/74	1/11/74	10	VI
Pharmacological Research*						
(400)	(19,600)	No	12/26/73	12/26/73	5	I
20,000	---	NA	1/11/74	1/11/74	10	VI
Special Fund*						
(1,300)	(24,700)	No	12/26/73	12/26/73	5	I
26,000	---	NA	1/11/74	1/11/74	10	VI
National Security Council*						
2,502	300	No	11/16/73	11/16/73	5	I
The Inter-American Foundation: Inter-American Foundation						
(5,000)	(35,652)	Yes	6/12/73	7/01/73	4	V 3/
(5,000)	(35,735)	Yes	12/04/73	12/04/73	4	I
10,000	--- 4/	NA	1/28/74	1/28/74	10	VI 4/

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Department of Agriculture						
Agriculture Research Service: Construction						
---	1,520	Yes	6/29/73	7/01/73	4,6b	I
Animal and Plant Health Inspection Service: Animal and Plant Health Inspection Service*						
317,083	878	No	11/23/73	11/23/73	1	I
Animal Quarantine Station*						
130,000	64	Yes	11/23/73	11/23/73	5	I
Extension Service: Extension Service*						
201,429	3,200	No	11/23/73	11/23/73	2	I
Foreign Agricultural Service: Salaries and Expenses, Special Foreign Currency Program						
1,000	1,240	Yes	5/23/73	7/01/73	4	I
Agricultural Stabilization and Conservation Service: Salaries and Expenses*						
(256,626)	(2,619)	No	11/23/73	11/23/73	1	I
256,443	2,802	No	1/21/74	1/21/74	2	I
Rural Environmental Assistance Program/1973-74						
(---)	(210,500)	No 5/	1/26/73	7/01/73	6b	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Rural Environmental Assistance Program/1974-75						
90,000	85,000	Yes	11/23/73	11/23/73	4	I
Emergency Conservation Measures*						
20,453	10,000	Yes	11/23/73	11/23/73	1	I
Water Bank Act Program						
(---)	(11,391)	Yes	1/26/73	7/01/73	6b	I
10,006	11,645	Yes	11/23/73	11/23/73	6b	I
Cropland Adjustment Program*						
50,300	1,600	No	11/23/73	11/23/73	2	I
Commodity Credit Corporation: Administrative Expenses*						
(---)	(497)	No	11/23/73	11/23/73	1	I
39,631 6/	269	No	12/21/73	12/21/73	1	III
Rural Electrification Administration: Loans						
---	456,103	Yes	1/26/73	7/01/73	2,6b,6c	I
Farmers Home Administration: Rural Water and Waste Disposal Grants						
(---)	(120,000)	Yes	1/26/73	7/01/73	6b,6c	I
(---)	(150,304)	Yes	11/23/73	11/23/73	6b,6c	I
30,000	120,304	Yes	11/28/73	11/28/73	6b,6c	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Rural Housing for Domestic Farm Labor Grants						
(---)	(1,621)	Yes	1/31/73	7/01/73	5,6b	I
(750)	(1,831)	Yes	9/10/73	9/10/73	5,6b	V 7/
1,000	9,081	Yes	11/23/73	11/23/73	5,6b	I
Mutual and Self-Help Housing Grants						
(---)	(832)	Yes	9/22/72	7/01/73	4	I
3,832	1,001	Yes	11/23/73	11/23/73	4	I
Rural Housing Insurance Fund						
(---)	(133,000)	Yes	1/26/73	7/01/73	4	I
1,435,035 8/	---	NA	9/12/73	9/12/73	10	VI
Soil Conservation Service: Resource Conservation and Development*						
24,189	4,439	Yes	11/23/73	11/23/73	4	I
Watershed Planning*						
13,268	535	Yes	11/23/73	11/23/73	4	I
River Basin Surveys and Investigations*						
16,587	60	Yes	11/23/73	11/23/73	4	I
Watershed and Flood Prevention Operations*						
169,448	17,454	Yes	11/23/73	11/23/73	4	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Agricultural Marketing Service: Marketing Services, no-year						
(1,422)	(818)	Yes	6/11/73	7/01/73	4	I
(1,812)	(818)	Yes	9/26/73	9/26/73	4	I
1,812	1,101	Yes	1/22/74	1/22/74	4	I
Perishable Agricultural Commodities Act Fund						
(1,416)	(58)	Yes	6/11/73	7/01/73	4	I
1,460	270	Yes	12/26/73	12/26/73	4	I
Forest Service: Forest Protection and Utilization*						
(3,791)	(2,128)	Yes	11/02/73	11/02/73	4	I
3,846	2,073	Yes	1/02/74	1/02/74	4	I
Construction and Land Acquisition*						
52,196	1,315	Yes	11/02/73	11/02/73	5	I
Youth Conservation Corps*						
(6,693)	(3,307)	Yes	11/09/73	11/09/73	4	I
6,893	3,107 9/	Yes	1/11/74	1/11/74	4	I
Forest Roads and Trails and Roads and Trails for States/1974 Program						
(---)	(278,398)	Yes	3/28/73	7/01/73	4,6b,6d	I
(117,164)	(208,934)	Yes	7/16/73	7/16/73	4,6d 11/	I
(123,558)	(342,894)	Yes	11/02/73	11/02/73	4,6d	I
131,815	334,636	Yes 10/	1/23/74	1/23/74	4,6d	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Forest Roads and Trails and Roads and Trails for States/1975 Program						
---	140,000	Yes	11/02/73	11/02/73	6d	I
Brush Disposal						
(18,657)	(26,601)	Yes	6/08/73	7/01/73	5	I
25,000	21,554	Yes	11/02/73	11/02/73	4	V 12/
Forest Fire Prevention						
275	109	Yes	6/08/73	7/01/73	4	I
Department of Commerce						
General Administration: Special Foreign Currency Program*						
1,885	1,055	Yes	12/21/73	12/21/73	2	II
Office of Assistant Secretary for Science and Technology: Scientific and Technical Research and Services*						
131,485	11,934	Yes	12/27/73	12/27/73	5	I
Social and Economic Statistics Administration: 1974 Census of Agriculture						
(---)	(1,360)	Yes	11/24/72	7/01/73	2,4	I
1,300	---	NA	9/12/73	9/12/73	10	VI
Domestic and International Business: Financial and Technical Assistance, Trade Adjustment Assistance*						
15,000	11,780	Yes	12/21/73	12/21/73	2	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
International Activities, Inter-American Cultural and Trade Center						
292	5,067	Yes	6/26/73	7/01/73	4,5	I
Participation in United States Expositions (Spokane Ecological Exhibition)*						
7,575	1,105 13/	Yes	10/05/73	10/05/73	4,5	I
Office of Minority Business: Minority Business Development, no-year						
(---)	(16,768)	Yes	1/26/73	7/01/73	4,6b	I
(9,080)	(14,330)	Yes	7/24/73	7/24/73	5	I
26,752	---	NA	10/16/73	10/16/73	10	VI
National Oceanic and Atmospheric Administration: Operations, Research and Facilities 14/						
(---)	(31,005)	Yes	6/28/73	7/01/73	2,4,6b	I
(29,868)	(2,392)	Yes	7/19/73	7/19/73	2,4,6b	I
(30,082)	(2,178)	Yes	9/26/73	9/26/73	2,4	I
(406,694)	(2,178)	Yes	12/27/73	12/27/73	3	I
416,981	2,178	Yes	1/16/74	1/16/74	3 15/	I
Satellite Operations 16/						
(---)	(727)	Yes	6/28/73	7/01/73	5	I
727	---	NA	12/27/73	12/27/73	10	VI
Promote and Develop Fishery Products and Research Pertaining to American Fisheries						
(7,191)	(3,159)	Yes	3/29/73	7/01/73	4,5,6a	I
(7,336)	(3,111)	Yes	7/26/73	7/26/73	4,5,6a	I
7,450	3,027	Yes	12/21/73	12/21/73	4,5,6a	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Coastal Zone Management*						
5,200	6,800	Yes	12/21/73	12/21/73	4	I
National Bureau of Standards: Plant and Facilities						
---	1,850	Yes	11/24/72	7/01/73	2,4,6b	I
Research and Technical Services, no-year						
---	3,812	Yes	5/07/73	7/01/73	5,6b	I
Construction of Facilities						
(---)	(740)	Yes	1/26/73	7/01/73	4,6b	I
539	231	Yes	12/21/73	12/21/73	1	I
Maritime Administration: Ship construction						
(---)	(34,000)	Yes	6/29/73	7/01/73	4	III
(9,137)	(24,863)	Yes	7/27/73	7/27/73	4	IV
304,953	5,500	Yes	12/21/73	12/21/73	2	II
Research and Development						
---	5,000	Yes	1/18/73	7/01/73	4,6b	I
State Marine Schools						
---	127	Yes	11/24/72	7/01/73	4	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Federal Ship Financing Fund						
(2,582)	(1,446)	Yes	6/27/73	7/01/73	5	I
4,028	---	NA	10/11/73	10/11/73	10	VI
Department of Defense-Military						
Procurement: Missile Procurement, Army, 1973-1975						
(---)	(2,500)	Yes	2/05/73	7/01/73	4	I
163,382	---	NA	9/11/73	9/11/73	10	VI
Procurement of Aircraft and Missiles, Navy, 1973-1975						
(---)	(13,281)	Yes	6/29/73	7/01/73	5	I
(946,747)	(13,281)	Yes	9/06/73	9/06/73	5	I
878,276	---	NA	1/28/74	1/28/74	10	VI
Aircraft Procurement, Air Force, 1972-1974						
(415,551)	(143,492)	No	9/07/73	9/07/73	5	I
368,478	---	NA	11/01/73	11/01/73	10	VI
Aircraft Procurement, Air Force, 1973-1975						
(1,076,916)	(160,556)	Yes	9/07/73	9/07/73	5	I
1,224,500	---	NA	11/01/73	11/01/73	10	VI
Shipbuilding and Conversion, Navy, 1971-1975						
(---)	(145,672)	Yes	11/24/72	7/01/73	4	I
892,655	---	NA	9/11/73	9/11/73	10	VI

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Shipbuilding and Conversion, Navy, 1972-1976						
(---)	(427,212)	Yes	11/24/72	7/01/73	4	I
738,000	148,081	Yes	9/11/73	9/11/73	4	I
Shipbuilding and Conversion, Navy, 1973-1977						
(---)	(763,300)	Yes	6/29/73	7/01/73	4	I
992,000	408,512	Yes	9/11/73	9/11/73	4	I
Shipbuilding and Conversion, Navy, 1974-1978*						
2,711,300	826,800	Yes	1/28/74	1/28/74	4	I
Military Construction: Military Construction, Army						
(---)	(70,304)	Yes	6/27/73	7/01/73	5	I
(648,440)	(90,954)	Yes	8/16/73	8/16/73	5	I
(648,020)	(95,488)	Yes	12/27/73	12/27/73	5	I
(762,670)	(558,958)	Yes	1/18/74	1/18/74	5	I
1,184,957	138,956	Yes	1/24/74	1/24/74	5	I
Military Construction, Navy						
(---)	(68,133)	Yes	6/27/73	7/01/73	5	I
(385,805)	(65,858)	Yes	8/14/73	8/14/73	5	I
(334,948)	(64,674)	Yes	10/11/73	10/11/73	5	I
(336,468)	(64,754)	Yes	10/16/73	10/16/73	5	I
(336,848)	(64,774)	Yes	11/14/73	11/14/73	5	I
(338,174)	(64,439)	Yes	12/17/73	12/17/73	5	I
412,974	598,931	Yes	1/09/74	1/09/74	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Military Construction, Air Force						
(---)	(51,607)	Yes	6/27/73	7/01/73	5	I
(1[illegible],860)	(49,773)	Yes	7/20/73	7/20/73	5	I
(141,224)	(39,4[illegible]9)	Yes	8/14/73	8/14/73	5	I
(160,501)	(39,409)	Yes	10/16/73	10/16/73	5	I
(171,972)	(29,937)	Yes	1/07/74	1/07/74	5	I
218,426	232,760	Yes	1/17/74	1/17/74	5	I
Military Construction, Defense Agencies						
(---)	(58,415)	Yes	2/15/73	7/01/73	5	I
(8,000)	(58,215)	Yes	8/23/73	8/23/73	5	I
(8,957)	(56,615)	Yes	10/16/73	10/16/73	5	I
(10,277)	(54,895)	Yes	11/14/73	11/14/73	5	I
(10,277)	(53,904)	Yes	11/17/73	11/17/73	5	I
(15,133)	(49,048)	Yes	1/09/74	1/09/74	5	I
15,133	46,763	Yes	1/24/74	1/24/74	5	I
Military Construction, Army National Guard						
(---)	(102)	Yes	6/14/73	7/01/73	5	I
(3,051)	(---)	NA	8/16/73	8/16/73	10	VI
8,943	29,300	Yes	1/18/74	1/18/74	5	I
Military Construction, Air National Guard						
(-)	(17)	Yes	5/29/73	7/01/73	5	I
(5.2[illegible])	(17)	Yes	9/06/73	9/06/73	5	I
([illegible])	(---)	Yes	10/23/73	10/23/73	10	VI
[illegible]	16,000	Yes	1/18/74	1/18/74	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Military Construction, Army Reserve						
(---)	(7,109)	Yes	3/08/73	7/01/73	5	I
(25,423)	(7,109)	Yes	9/10/73	9/10/73	5	I
(29,909)	(2,623)	Yes	11/08/73	11/08/73	5	I
34,709	38,523	Yes	1/18/74	1/18/74	5	I
Military Construction, Naval Reserve						
(---)	(3,943)	Yes	5/03/73	7/01/73	5	I
(17,640)	(1,842)	Yes	8/08/73	8/08/73	5	I
(18,657)	(915)	Yes	11/08/73	11/08/73	5	I
20,099	22,373	Yes	1/14/74	1/14/74	5	I
Military Construction, Air Force Reserve						
(---)	(850)	Yes	6/20/73	7/01/73	5	I
(2,415)	(850)	Yes	9/06/73	9/06/73	5	I
(2,444)	(821)	Yes	10/23/73	10/23/73	5	I
(3,444)	(9,821)	Yes	1/18/74	1/18/74	5	I
10,089	3,176	Yes	2/01/74	2/01/74	5	I
Defense Civil Preparedness Agency: Research, Shelter Survey and Marketing*						
24,617	1,100	Yes	11/27/73	11/27/73	5	I
Special Foreign Currency Program: Special Foreign Currency Program, Defense, 1972-1974						
(---)	(2,477)	Yes	12/18/72	7/01/73	5	I
3,169	2,051	No	8/31/73	8/31/73	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, budgetary effect (see code)
Special Foreign Currency Program, Defense, 1973-1975						
(---)	(400)	Yes	12/04/72	7/01/73	5	I
2,998	400	Yes	9/06/73	9/06/73	5	I
Department of Defense-Civil						
Corps of Engineers: General Investigations						
(---)	(150)	Yes	6/29/73	7/01/73	5	I
65,084	150	Yes	9/15/73	9/15/73	5 17/	II
Construction						
(---)	(783)	Yes	6/29/73	7/01/73	5	I
(9,100)	(333)	Yes	7/27/73	7/27/73	5	I
(9,175)	(258)	Yes	7/30/73	7/30/73	5	I
1,114,829	258	Yes	9/15/73	9/15/73	5 17/	II
Flood Control, Mississippi River and Tributaries						
(---)	(750)	Yes	6/29/73	7/01/73	5	I
(151,819)	(750)	Yes	9/15/73	9/15/73	5 17/	II
166,419	750	Yes	1/26/74	1/26/74	5	I
Soldiers' and Airmens' Home: Capital Outlay*						
2,165	612	Yes	1/04/74	1/04/74	5	I
Panama Canal: Canal Zone Government, Capital Outlay						
(---)	(710)	Yes	9/08/72	7/01/73	5	I
36	8	Yes	9/14/73	9/14/73	1	V 18/

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Wildlife Conservation: Wildlife Conservation, Army						
(598)	(107)	Yes	6/14/73	7/01/73	1	I
606	342	Yes	1/31/74	1/31/74	1	I
Wildlife Conservation, Navy						
(60)	(8)	Yes	6/14/73	7/01/73	1	I
69	22	Yes	10/03/73	10/03/73	1	I
Wildlife Conservation, Air Force						
(124)	(40)	Yes	6/14/73	7/01/73	1	I
124	20	Yes	1/22/74	1/22/74	1	I
Salaries and Expenses: Cemeterial Expenses, Army						
14,448	2,053	Yes	9/14/73	9/14/73	5	I
Department of Health, Education, and Welfare						
Health Services Administration: Health Services Delivery*						
915,869	2,250	Yes	2/04/74	2/04/74	5	I
Indian Health Services*						
(94,372)	(91,626)	No	11/28/73	11/28/73	5	I
185,998	---	NA	2/04/74	2/04/74	10	VI

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Indian Health Facilities						
(3,482)	(848)	Yes	6/27/73	7/01/73	5	I
(34,815)	(20,593)	Yes	11/28/73	11/28/73	5	I
55,320	88	Yes	1/30/74	1/30/74	5	I
National Institutes of Health:* Research Resources*						
126,941	1,378	No	1/18/74	1/18/74	3	I
Buildings and facilities*						
1,000	23,701	Yes	1/18/74	1/18/74	5	I
Mental Health*						
827,193	13,194	No	1/28/74	1/28/74	1	I
Health Resources Administration: Health Manpower*						
734,635	5,370	No	2/04/74	2/04/74	3	I
Health Services Planning and Development*						
555,997	6,228	No	2/04/74	2/04/74	3	I
Assistant Secretary for Health: Office of International Health; Scientific Activities Overseas (Special Foreign Currency Program)*						
13,505	21,714	Yes	1/30/74	1/30/74	4	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Elementary and Secondary Education*						
2,025,168	1,746	No	1/17/74	1/17/74	1	I
Higher Education, 1974-1976*						
238,000	237,000	Yes	1/17/74	1/17/74	4	I
Higher Education, no-year						
(---)	(1,889)	Yes	11/30/72	7/01/73	5	I
346,118	8,788	Yes	1/17/74	1/17/74	4	I
Office of Education: Library Resources*						
163,124	4,897	No	1/18/74	1/18/74	3	I
Educational Development*						
15,675	32	Yes	1/18/74	1/18/74	1	I
Educational Activities Overseas, Special foreign currency program						
(---)	(16)	Yes	4/06/72	7/01/73	5	I
2,539	---	NA	1/17/74	1/17/74	10	VI
Social and Rehabilitation Service* Research and Training Overseas*						
3,700	7,490	Yes	1/18/74	1/18/74	4	I
Social Security Administration: Limitation on Salaries and Expenses*						
1,879,000	13,580	No	2/04/74	2/04/74	1	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Limitation on Construction (Trust fund)						
(---)	(12,095)	Yes	4/27/72	7/01/73	4,5	I
(12,679)	(19,973)	Yes	8/21/73	8/21/73	4,5	I
(15,614)	(17,425)	Yes	11/30/73	11/30/73	4,5	I
17,646	15,393	Yes	2/04/74	2/04/74	4,5	I
Special Institutions: Howard University*						
9,132	11,490	Yes	1/17/74	1/17/74	4	I
Office of Human Development* Child Development*						
419,910	6,480	No	1/18/74	1/18/74	3	I
Department of Housing and Urban Development						
Housing Production and Mortgage Credit: Non-profit Sponsor Assistance						
---	6,530	Yes	4/15/73	7/01/73	5,6b,6c	I
Community Development: Model Cities Program*						
(50,055)	(100,012)	Yes	11/26/73	11/26/73	6c	V 19/
75,055	75,012	Yes	11/30/73	11/30/73	6c	IV
Grants for Neighborhood Facilities*						
---	48	Yes	11/27/73	11/27/73	6c	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Open Space Land Program						
(---)	(27,730)	Yes	3/08/73	7/01/73	6b,6c	I
---	55,161	Yes	11/09/73	11/09/73	6c	I
Grants for Basic Water and Sewer Facilities						
(---)	(400,175)	Yes	1/26/73	7/01/73	6b,6c	I
---	401,734	Yes	11/27/73	11/27/73	6b,6c	I
Urban Renewal Fund*						
(613,500)	(311,314)	Yes	11/26/73	11/26/73	6c	V 19/
643,500	281,314	Yes	11/30/73	11/30/73	6c	IV
Public Facility Loans						
(---)	(20,000)	Yes	1/26/73	7/01/73	6b,6c	I
24,888	--- 20/	NA	6/20/73	7/01/73	10	VI
Community Planning and Management: New Community Assistance Grants*						
---	1,799	Yes	11/16/73	11/16/73	6c	I
Office of Interstate Land Sales Registration: Interstate Land Sales						
(1,460)	(1,981)	Yes	6/20/73	7/01/73	4	I
1,849	1,379	Yes	12/12/73	12/12/73	4	III

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Department of the Interior						
Office of Territorial Affairs: Trust Territory of the Pacific Islands*						
71,550	800	Yes	1/02/74	1/02/74	5	I
Bureau of Land Management: Public Lands Development Roads and Trails/1974 Program						
(4,000)	(8,961)	Yes	6/08/73	7/01/73	6d	I
5,205	18,961	Yes	10/03/73	10/03/73	6d	I
Public Lands Development Roads and Trails/1975 Program						
---	10,000	Yes	10/03/73	10/03/73	6d	I
Oregon and California Grant Lands						
(---)	(1,150)	Yes	6/08/73	7/01/73	4,5	I
28,750	5,243	Yes	10/02/73	10/02/73	5	II
Bureau of Indian Affairs: Road Construction/1974 Program						
57,060	20,000	Yes	9/12/73	9/12/73	6d	II
Road Construction/1975 Program						
---	75,000	Yes	9/12/73	9/12/73	6d	II
Bureau of Outdoor Recreation: Land and Water Conservation						
(208,168)	(61,422)	21/	6/08/73	7/01/73	6b	I
(297,223)	(57,568)	21/	11/03/73	11/03/73	5,6b,6d	I
324,763	30,000	21/	2/02/74	2/02/74	4,6d	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Office of Territorial Affairs*						
72,350	800 22/	Yes	2/02/74	2/02/74	5	I
Geological Survey: Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920						
(--- 23/)	(27)	Yes	5/06/73	7/01/73	4 24/	I
---	26	Yes	11/19/73	11/19/73	4	I
Bureau of Mines: Drainage of Anthracite Mines						
200	3,575	Yes	6/08/73	7/01/73	4,5	I
Bureau of Sport Fisheries and Wildlife: Migratory Bird Conservation Account (Receipt Limitation)						
(9,000)	(981)	Yes	6/08/73	7/01/73	4	I
(12,000)	(981)	Yes	8/23/73	8/23/73	4	I
21,771	---	NA	11/02/73	11/02/73	10	VI
Federal Aid in Wildlife Restoration						
45,300	7,863	Yes	6/08/73	7/01/73	4,5	I
Federal Aid in Fish Restoration and Management						
14,565	2,339	Yes	6/08/73	7/01/73	4,5	I
National Wildlife Refuge Fund						
4,620	4,003	Yes	6/08/73	7/01/73	4,5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, budgetary effe (see code)
Proceeds from Sales, Water Resources Development Projects						
15	4	Yes	6/08/73	7/01/73	4,5	I
National Park Service: Parkway and Road Construction/1974 Program						
(16,338)	(34,610)	Yes	6/08/73	7/01/73	4,6d 25/	I
(16,338)	(229,610)	Yes	10/01/73	10/01/73	4,6d	II
51,183	108,115	Yes	11/02/73	11/02/73	4,6d	II
Parkway and Road Construction/1975 Program						
---	105,000	Yes	11/02/73	11/02/73	4,6d	II
Planning and Construction						
(28,100)	(14,500)	Yes	7/30/73	7/30/73	4	I
(79,675)	(14,500)	Yes	11/02/73	11/02/73	4,5	I
79,675	14,500	Yes	1/29/74	1/29/74	4,5	I
Operation, Management, Maintenance, and Demolition of Federally Acquired Property						
(17)	(65)	Yes	6/08/73	7/01/73	4,5	I
15	---	NA	11/02/73	11/02/73	10	VI
Bureau of Reclamation: Construction and Rehabilitation						
(16,970)	(1,055)	Yes	6/08/73	7/01/73	5	I
226,857	1,055	Yes	9/15/73	9/15/73	5 26/	I
Operation, Maintenance, and Replacement of Project Works, North Platte Project						
--- 27/	100	Yes	6/06/73	7/01/73	6e 28/	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Upper Colorado River Basin Fund						
(9,072)	(1,390)	Yes	6/08/73	7/01/73	5	I
64,911	1,164	Yes	9/15/73	9/15/73	5	I
Department of Justice						
Bureau of Prisons: Buildings and Facilities						
(---)	(36,441)	Yes	1/26/73	7/01/73	5,6b	I
45,823	13,594	Yes	9/19/73	9/19/73	5,6b	I
Department of Labor*						
Employment Standards Administration: Special benefits*						
284,300	20,706	No	1/17/74	1/17/74	1	V 29/
Department of State*						
Acquisition, operation, and maintenance of buildings abroad*						
62,484	44,521	Yes	12/31/73	12/31/73	4	I
Assistance to Refugees from the Soviet Union*						
---	36,500	No	2/02/74	2/02/74	5	I
International Boundary and Water Commission, United States and Mexico: Construction*						
15,681	4,983	Yes	12/18/73	12/18/73	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Department of Transportation						
Office of the Secretary: Transportation, Planning, and Research and Development						
(---)	(5,300)	Yes	6/30/73	7/01/73	4,6b	I
34,353	---	NA	9/14/73	9/14/73	10	VI
U.S. Coast Guard: Acquisition, Construction, and Improvements						
(30,946)	(10,609)	Yes	7/12/73	7/12/73	4,6b	I
(109,168)	(12,099)	Yes	9/14/73	9/14/73	4,6b	II
102,889	19,396	Yes	12/27/73	12/27/73	4,6b	II
Federal Aviation Administration: Civil Supersonic Aircraft Development Termination						
(---)	(3,575)	Yes	1/23/73	7/01/73	4,6b	I
3,600	3,033	Yes	9/10/73	9/10/73	4	I
Civil Supersonic Aircraft Development						
(---)	(2,153)	Yes	1/18/73	7/01/73	4,6b	I
800	2,755	Yes	9/10/73	9/10/73	4	I
Grants-in-aid for Airports (Airport and Airway Trust Fund)						
13,000	2,000	Yes	9/14/73	9/14/73	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Facilities and Equipment (Airport and Airway Trust Fund)						
(---)	(207,631)	Yes	1/18/73	7/01/73	4,6b	I
293,075	261,919	Yes	9/12/73	9/12/73	4	I
Research, Engineering, and Development (Airport and Airway Trust Fund)						
(---)	(10,000)	Yes	1/18/73	7/01/73	4,6b	I
---	---	NA	9/14/73	9/14/73	10	VI
Federal Highway Administration: Highway Beautification						
(41,977)	(11,521)	Yes	6/29/73	7/01/73	4,5	I
50,000	---	NA	9/15/73	9/15/73	10	VI
Darien Gap Highway						
(---)	(545)	Yes	1/18/73	7/01/73	4,5	I
17,661	---	NA	9/14/73	9/14/73	10	VI
Highway-Related Safety Grants						
(10,459)	(7,897)	Yes	6/29/73	7/03/73	4,5	I
13,229	---	NA	9/15/73	9/15/73	10	VI
Federal-Aid Highways/1974 Program						
(1,617,000)	(2,791,841)	Yes	6/29/73	7/02/73	4,5,6a,6c	I
(4,742,497)	(3,414,149)	Yes	9/14/73	9/14/73	6a,6c	I
4,741,018	3,414,619	Yes	2/01/74	2/01/74	6a,6c	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Federal-Aid Highways/1975 Program						
(6,010,000) 30/						I
---	5,958,500	Yes	2/01/74	2/01/74	4,5	I
Rail-Crossings-Demonstration Projects						
(22,322)	(3,053)	Yes	9/15/73	9/15/73	5	I
21,700	75	Yes	2/01/74	2/01/74	5	I
Territorial Highways						
4,000	1,602	Yes	6/29/73	7/01/73	4,6c	I
National Scenic Highways/1974 Program*						
---	10,000	Yes	2/01/74	2/01/74	5	I
National Scenic Highways/1975 Program*						
---	10,000	Yes	2/01/74	2/01/74	5	I
Trust Fund Share of Other Highway Programs/1974 Program						
(6,973)	(15,793)	Yes	6/29/73	7/03/73	4,5	I
(28,120)	(---)	NA	9/15/73	9/15/73	10	VI
27,993	10,000	Yes	2/01/74	2/01/74	5	I
Trust Fund Share of Other Highway Programs/1975 Program						
---	25,000	Yes	2/01/74	2/01/74	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Forest Highways Trust Fund						
(24,000)	(47,604)	Yes	6/29/73	7/01/73	2,4,6c	I
26,000	---	NA	9/14/73	9/14/73	10	VI
Public Lands Highways						
(5,000)	(27,000)	Yes	6/29/73	7/01/73	2,4,6c	I
5,000	5,000	Yes	9/14/73	9/14/73	4,6c,6d	I
Right-of-Way Revolving Fund						
(48,000)	(74,782)	Yes	6/29/73	7/02/73	4,5	I
48,000	77,116	Yes	2/01/74	2/01/74	4,5	I
National Highway Traffic Safety Administration: State and Community Highway Safety						
(26,993)	(1,290)	Yes	7/02/73	7/02/73	1	I
66,771	---	NA	9/13/73	9/13/73	10	VI
Traffic and Highway Safety						
(56,068)	(2,000)	Yes 31/	9/14/73	9/14/73	5	I
86,405	2,000	Yes	1/24/74	1/24/74	5	I
Construction of Compliance Facilities						
(---) 32/	(9,018)	Yes	1/19/73	7/01/73	4,5	I
--- 32/	18	Yes	9/14/73	9/14/73	5	V

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Trust Fund Share of Highway Traffic Safety Programs						
(16,848)	(2,580)	Yes	7/02/73	7/02/73	1,5	I
96,167	---	NA	9/13/73	9/13/73	10	VI
Federal Railroad Administration: Emergency Rail Facilities Restoration						
27,100	7,648	Yes	7/27/73	7/27/73	2	I
High Speed Ground Transportation Research and Development						
(---)	(15,000)	Yes	1/19/73	7/01/73	4,6b	I
---	---	NA	9/14/73	9/14/73	10	VI
Grants to the National Railroad Passenger Corporation						
(---)	(10,000)	Yes	1/19/73	7/01/73	4,6b	I
(54,900)	(48,100)	Yes	9/13/73	9/13/73	4,6b	V 33/
103,000	---	NA	11/23/73	11/23/73	10	VI
Urban Mass Transportation Administration: Urban Mass Transportation Fund						
(941,300)	(210,853)	Yes	7/06/73	7/06/73	4,6b	I
985,550	---	NA	9/14/73	9/14/73	10	VI
Department of the Treasury Office of the Secretary: Construction, Federal Law Enforcement Training Center						
383	21,517	Yes	6/06/73	7/01/73	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Bureau of Accounts: Subsidy Payment to Environmental Protection Authority*						
75	1,188	No	11/29/73	11/29/73	2	V 34/
Atomic Energy Commission						
Operating Expenses						
(3,164,739)	(16,900)	Yes	9/15/73	9/15/73	5	I
(3,174,154)	(7,500)	Yes	11/19/73	11/19/73	5	I
3,181,086	---	NA	12/21/73	12/21/73	10	VI
Plant and Capital Equipment						
(48,470)	(1,830)	Yes	6/08/73	7/01/73	5	I
(637,577)	(9,750)	Yes	9/15/73	9/15/73	5	I
(637,912)	(9,400)	Yes	11/04/73	11/04/73	5	I
(643,812)	(3,500)	Yes	11/09/73	11/09/73	5	I
(645,812)	(1,500)	Yes	11/12/73	11/12/73	5	I
677,312	---	NA	1/10/74	1/10/74	10	VI
Environmental Protection Agency*						
Research and Development*						
(8,696)	(9,700)	Yes	10/19/73	10/19/73	5	IV
(183,612)	(3,700)	Yes	11/23/73	11/23/73	5	IV
184,312	3,000	Yes	1/29/74	1/29/74	5	IV

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, budgetary effec (see code)
Abatement and Control*						
(17,804)	(3,850)	Yes	10/19/73	10/19/73	5	IV
(266,514)	(16,850)	Yes	11/29/73	11/29/73	5	IV
287,574	91,850	35/	1/29/74	1/29/74	5	I
General Services Administration						
Real Property Activities: Sites and Expenses, Public Building Projects						
(---)	(22,206)	Yes	1/26/73	7/01/73	4	I
22,000	15,500	Yes	11/29/73	11/29/73	4	I
Construction, Public Building Projects						
(---)	(234,309)	Yes	1/26/73	7/01/73	2,4	I
73,653	20,803	Yes	11/29/73	11/29/73	4	I
Property Management and Disposal: Operating Expenses, Sale of Rare Silver Dollars						
(---)	(4,000)	Yes	11/30/72	7/01/73	4	I
3,400	1,386	Yes	9/05/73	9/05/73	4	I
Operating Expenses, Special Fund						
(---)	(850)	Yes	6/26/73	7/01/73	4,5	I
---	---	NA	8/16/73	8/16/73	10	VI

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, budgetary effec (see code)
National Aeronautics and Space Administration						
Research and Development						
(---)	(2,200)	Yes	6/08/73	7/01/73	5	I
(2,860,194)	(9,300)	Yes	11/16/73	11/16/73	5	I
2,867,294	2,200	Yes	1/23/74	1/23/74	5	I
Veterans Administration						
Medical Prosthetic Research						
(---)	(3,648)	Yes	2/15/73	7/01/73	5	I
85,099	---	NA	11/23/73	11/23/73	10	VI
Construction, Major Projects						
(---)	(34,710)	Yes	6/13/73	7/01/73	5	I
114,626	---	NA	11/23/73	11/23/73	10	VI
Construction, Minor Projects						
(---)	(5,000)	Yes	12/20/72	7/01/73	5	I
66,685	---	NA	11/23/73	11/23/73	10	VI
Other Independent Agencies						
District of Columbia: Loans for Capital Outlay, Metropolitan Area Sanitary Sewage Work Funds						
(---)	(300)	Yes	8/07/72	7/01/73	4	I
3,900	5,300	Yes	9/05/73	9/05/73	4	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, budgetary effe (see code)
Loans for Capital Outlay, Sanitary Sewage						
(---)	(4,285)	Yes	8/07/72	7/01/73	4	I
29,000	24,035	Yes	9/05/73	9/05/73	4	I
Loans for Capital Outlay, Water Fund						
(---)	(2,360)	Yes	8/07/72	7/01/73	4	I
8,000	7,460	Yes	9/05/73	9/05/73	4	I
Loans for Capital Outlay, Highway Fund						
11,900	5,956	Yes	9/05/73	9/05/73	4	I
Loans for Capital Outlay, General Fund						
(---)	(6,758)	Yes	1/26/73	7/01/73	4	I
176,500	29,526	Yes	9/05/73	9/05/73	4	I
Foreign Claims Settlement Commission: Payment of Vietnam and USS Pueblo Prisoner of War Claims						
9,125	7,229	Yes	7/12/73	7/12/73	5	I
American Revolution Bicentennial Commission: Commemorative Activities Fund						
(---)	(5,690)	Yes	11/28/72	7/01/73	5	I
4,556	3,510	Yes	2/01/74	2/01/74	5	I

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, & budgetary effect (see code)
National Science Foundation: Salaries and Expenses						
(56,900)	(3,500)	Yes	6/08/73	7/01/73	2	I
(620,845)	(13,900)	Yes	11/23/73	11/23/73	5	I
634,745	---	NA	12/06/73	12/06/73	10	VI
Occupational Safety and Health Review Commission: Salaries and expenses*						
4,296	445	No	1/14/74	1/14/74	1,2	V 36/
Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund						
8,578	4,822	Yes	7/01/73	7/01/73	4	I
Limitation on Salaries and Expenses*						
20,830	500	No	1/09/74	1/09/74	1	I
Small Business Administration: Business Loan and Investment Fund						
(173,100)	(41,316)	Yes	6/29/73	7/01/73	2,4,6b	I
(178,100)	(48,294)	Yes	8/31/73	8/31/73	2,4	I
348,700	31,094	Yes	9/27/73	9/27/73	2,4	I
Water Resources Council: Water Resources Planning						
8,611	27	No 37/	8/24/73	8/24/73	2	I
Temporary Study Commissions: Commission on American Shipbuilding, Salaries and Expenses*						
20[illegible]	57	NA	12/10/73	12/10/73		II 38/

[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] Funds reserved pending Presidential allocation and decisions.

[3] The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L. 93–52 as amended.

[4] Funds in excess of $10,000,000 are not available in FY 1974 pursuant to P.L. 93–240.

[5] The 1973–74 Rural Environmental Assistance Program funds lapsed on December 31, 1973. The September 30 report incorrectly listed the funds as available beyond FY 1974.

[6] The amount apportioned in this account is also apportioned in the Agricultural Stabilization and Conservation Service, salaries and expenses account.

[7] The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.

[8] This apportionment action was inadvertently excluded from the September 30 report.

[9] The FY 1974 appropriation provides for program operation for the summer of calendar year 1974.

[10] FY 1972 contract authority in the amount of $24.6 million will lapse on 6/30/74.

[11] Code 6d was inadvertently excluded from the September 30 report.

[12] Anticipated deposits are currently estimated at $5 million more than anticipated in the budget estimates submitted to the Congress in January 1973.

[13] Funds are being held in reserve to cover operating costs during the exhibition period.

[14] This account title was changed from "Research, Development, and Facilities" on 12/31/73.

[15] The reserve is to be applied against increased pay costs when transfer authority is approved by Congress.

[16] This account was combined with the "Operations, Research, and Facilities" account on 12/31/73.

[17] Reason code 1 was incorrectly applied to the entries in the September 30 report.

[18] The reserve was made at the request of the Canal Zone Government as a contingency for possible future insepction services.

[19] The reserve action will increase the program level to a level greater than that contemplated in the most recently submitted budget document.

[20] The apportionment releasing the reserve was incorrectly excluded from the September 30 report.

[21] The reserve in each apportionment includes $30 million of contract authority which becomes available at the first of each fiscal year and expires at the end of each fiscal year; all other funds are available beyond 1974.

[22] The apportionment of funds in reserve is emporarily deferred until sufficient information is available for implementing the new public land survey program. The new program was funded for the first time in the 1974 supplemental, (P.L. 93–245) enacted January 3, 1974.

[23] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[24] Reason code 5 was incorrectly included in the September 30 report.

[25] Reason code 4 was inadvertently excluded from the September 30 report.

[26] Reason code 6b was incorrectly included in the September 30 report.

[27] No improvements are currently necessary. (See footnote *28*.)

[28] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[29] The reserve, made at the request of the Department of Labor, does not change expected payments for benefits as estimated in the latest budget document. The reserve reflects reimbursements from other agencies in excess of the amounts estimated in the budget document. The release of the reserve would increase availability above expected needs. The reserve is available for benefit payments if required benefit payments exceed current estimates.

[30] This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.

[31] The September 30 report incorrectly reported the reserve as unavailable beyond FY 1974.

[32] $9,000,000 was rescinded in the 1974 Department of Transportation Appropriation Act. It is now included in the Traffic and Highway Safety account.

[33] The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.

[34] The reserve is required because the Congress previously provided permanent, indefinite authority (P.L. 92–500) for the subsidy payment. The funds in reserve will be written off in FY 1974.

[35] Contract authority of $75 million expires at the end of FY 1974; $16,850 thousand is available beyond FY 1974.

[36] This reserve action was taken at the request of the Occupational Safety and Health Review Commission due to hiring delays. The reserve is available as a contingency against an increase in future contested citations.

[37] The September 30 report incorrectly reported the reserve as available beyond FY 1974.

[38] The Commission on American Shipbuilding (authorized under the Merchant Marine Act of 1970, P.L. 91–469) was terminated on December 20, 1973. The funds in reserve will be written off in FY 1974.

[FR Doc.74–4395 Filed 2–26–74;8:45 am]

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PART IV

FEDERAL ENERGY OFFICE

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice

FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice

Pursuant to the provisions of 10 CFR 211.165(d)(1)(i) and (iii), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for February 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in February 1974.

Residual fuel oil allocations to each utility for February 1974 were originally published by FEO on January 30, 1974. The Appendix to this notice provides corrections made since January 30. Corrected figures are underlined for ease of identification.

The percentages to be supplied by each supplier were established after review of the October-December 1973 base period supply data furnished by the utilities, pursuant to 10 CFR 211.165(d)(1)(ii). In some cases, requests were made by utilities for adjustments and supplier assignments after the January 30 list was published. These requests were considered according to the criteria of 10 CFR 205.24, and are reflected in the new listings.

The suppliers obligated to supply each utility and each supplier's percentage and volume of the month's allocation for each utility are set forth in the Appendix in this notice. The first column of the Appendix lists each utility with its suppliers. The second and third columns provide each supplier's percentage and volume share of a utility's allocated volume. The fourth column provides the total volume for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and FEO requests any additions or corrections in this regard to be forwarded to:

Residual Fuels Manager
P.O. Box 2887
Washington, D.C. 20013

Issued in Washington, D.C., February 25, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Appendix - Residual Oil Supplier Percentages For Utilities For the Month of February 1974

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)			
CONNECTICUT			
NORTHEAST UTILITIES			2,245,400
AMERADA HESS CORPORATION	68.0	1,526,872	
TAD JONES CO INC (GULF)	21.0	471,534	
WYATT INC (EXXON)	10.0	224,540	
H N HARTWELL & SON INC	1.0	22,454	
UNITED ILLUMINATING CO			775,500
TEXACO INC	87.0	674,685	
WYATT INC (EXXON)	13.0	100,815	
MAINE			
BANGOR HYDRO ELEC. CO.			27,950
C H SPRAGUE & SONS CO	100.0	27,950	
CENTRAL MAINE POWER CO.			270,800
TEXACO INC	100.0	270,800	
MAINE PUBLIC SERVICE CO.			20,700
DEAD RIVER OIL CO (SPRAGUE)	100.0	20,700	
MASSACHUSETTS			
BOSTON EDISON CO.			1,332,000
WHITE FUEL CORP (TEXACO)	46.0	612,720	
EXXON CORPORATION	42.0	559,440	
C H SPRAGUE & SONS	12.0	159,840	
BRAINTREE ELEC. LT. DEPT.			6,000
C.K. SMITH & CO (GOLDEN EAGLE)	100.0	6,000	
E.UTIL.ASSOC.(MONTAUP&BLACKST.V)			182,300
TEXACO INC	100.0	182,300	
FITCHBURG GAS & EL.			21,500
NORTHEAST PETROLEUM IND. INC	100.0	21,500	
HOLYOKE GAS AND ELECTRIC			33,700
WYATT INC (EXXON)	100.0	33,700	
NEW ENGLAND ELECTRIC SYSTEM			1,223,000
ASIATIC PETROLEUM CORPORATION	45.0	550,350	
GOLDEN EAGLE REFINING COMPANY INC	14.0	171,220	
CITIES SERVICE OIL COMPANY	30.0	366,900	
TEXACO INC	4.0	48,920	
EXXON CORPORATION	7.0	85,610	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW ENGLAND GAS & EL. ASSN.			586,000
NEW ENGLAND PETROLEUM	84.8	496,928	
WHITE FUEL CORP (TEXACO)	15.2	89,072	
PEABODY ELECTRIC LT DEPT			100
PICKERING OIL (NORTHEAST PETROLEUM)	100.0	100	
TAUNTON MUN. LT.			35,500
QUINCY OIL CO (EXXON)	100.0	35,500	
NEW HAMPSHIRE			
PUB SER OF N.H.			102,000
C H SPRAGUE & SONS CO	100.0	102,000	
NEW YORK			
CENTRAL HUDSON GAS & ELECTRIC COMM.			285,000
AMERADA HESS CORPORATION	100.0	285,000	
CONSOL EDISON OF NY			3,803,000
NEW ENGLAND PETROLEUM	45.5	1,730,365	
EXXON CORPORATION	22.3	848,069	
AMERADA HESS CORPORATION	20.8	791,024	
TEXACO INC	11.4	433,542	
FREEPORT, VILLAGE OF			12,400
BURNS BROS OIL (NEPCO)	100.0	12,400	
LAWRENCE PARK HEAT & LIGHT			0
LONG ISLAND LIGHT CO.			1,357,000
NEW ENGLAND PETROLEUM	100.0	1,357,000	
NIAGARA MOHAWK POWER CO.			204,200
NEW ENGLAND PETROLEUM	100.0	204,200	
ORANGE & ROCKLAND UTILITIES			571,700
NEW ENGLAND PETROLEUM	31.2	178,370	
HOWARD FUEL CORPORATION	67.4	385,326	
STEPHENS INTERNATIONAL	1.4	8,004	

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ROCHESTER GAS & ELECTRIC			0
RHODE ISLAND			
NEWPORT ELECTRIC CORP			6,500
C K SMITH & CO	100.0	6,500	
VERMONT			
CENTRAL VERMONT PUB SERV			0

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE			
DELMARVA PWR & LT			599,600
STEUART PETROLEUM CO	22.0	131,912	
TEXACO INC	5.0	29,980	
GULF OIL CORPORATION	8.0	47,968	
CONTINENTAL OIL COMPANY	65.0	389,740	
DOVER, CITY OF			14,600
TEXACO INC	100.0	14,600	
DISTRICT OF COLUMBIA			
POTOMAC ELEC. PWR.			771,700
ASIATIC PETROLEUM CORPORATION	21.0	162,057	
STEUART PETROLEUM COMPANY	79.0	609,643	
MARYLAND			
BALTIMORE GAS & ELECTRIC			705,100
AMERADA HESS CORPORATION	52.7	371,588	
EXXON CORPORATION	47.3	333,512	
NEW JERSEY			
ATLANTIC CITY ELECTRIC COMPANY			80,550
AMERADA HESS CORPORATION	46.6	37,536	
CONTINENTAL OIL COMPANY	53.4	43,014	
GPU INTEGRATED SYSTEM			444,000
AMERADA HESS CORPORATION	94.0	417,360	
SWANN OIL INC	5.0	22,200	
SHIPLEY-HUMBLE	1.0	4,440	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PUBLIC SERVICE ELECTRIC			1,916,500
AMERADA HESS CORPORATION	84.3	1,615,610	
EXXON CORPORATION	15.7	300,891	
VINELAND, CITY OF ELEC.			61,000
SWANN OIL INC	100.0	61,000	
PENNSYLVANIA			
PHILADELPHIA ELECTRIC CO.			1,412,400
ATLANTIC RICHFIELD COMPANY	28.5	402,534	
AMERADA HESS CORPORATION	23.0	324,852	
GULF OIL CORPORATION	9.7	137,003	
NEW ENGLAND PETROLEUM	2.2	31,073	
TEXACO INC	20.6	290,954	
CONTINENTAL OIL COMPANY	16.0	225,984	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)			
FLORIDA			
FLORIDA KEYS ELEC COOP			6,400
BELCHER OIL CO (EXXON)	100.0	6,400	
FLORIDA POWER & LIGHT CO.			1,273,950
EXXON CORPORATION	15.0	191,093	
BELCHER OIL CO (EXXON)	85.0	1,082,858	
FLORIDA POWER CORPORATION			968,600
EXXON CORPORATION	60.0	581,160	
AMERADA HESS CORPORATION	40.0	387,440	
FORT PIERCE, CITY OF			35,000
NEW ENGLAND PETROLEUM	100.0	35,000	
GAINESVILLE, CITY OF			43,350
EASTERN SEABOARD PETROLEUM	100.0	43,350	
GULF POWER CO.			0
JACKSONVILLE ELEC. AUTH			460,600
VEN-FUEL INC	82.6	380,456	
CONTINENTAL OIL COMPANY	17.4	80,144	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
KEY WEST UTILITIES			37,700
STANDARD OIL CO	100.0	37,700	
LAKE WORTH LIGHTING			1,500
BELCHER OIL COMPANY (EXXON)	100.0	1,500	
LAKELAND LIGHT & WTR DEPT			91,200
BELCHER OIL CO (EXXON)	100.0	91,200	
NEW SMYRNA BEACH			5,200
BELCHER OIL COMPANY (EXXON)	100.0	5,200	
ORLANDO UTILITIES COMM.			361,200
NEW ENGLAND PETROLEUM	100.0	361,200	
SEBRING UTILITIES COMM.			8,150
UNION OIL COMPANY OF CA	100.0	8,150	
TALLAHASSEE, CITY OF			43,650
UNION OIL COMPANY OF CA	100.0	43,650	
TAMPA ELECTRIC CO.			66,800
WESTERN FUELS (STANDARD-OIL-KY)	100.0	66,800	
VERO BEACH MUNICIPAL POWER			30,000
BELCHER OIL CO (EXXON)	100.0	30,000	
GEORGIA			
GEORIGA POWER COMPANY			90,350
NEW ENGLAND PETROLEUM	100.0	90,350	
SAVANNAH ELECTRIC & POWER CO.			240,600
COLONIAL OIL INDUSTRIES (EXXON)	100.0	240,600	
MISSISSIPPI			
MISSISSIPPI POWER CO.			2,700
ERGON INC (INTL TRADING)	45.0	1,215	
BAKER SERVICE CO (EXXON)	55.0	1,485	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTH MISSISSIPPI ELEC			86,500
SOUTHLAND OIL (HOWELL HYDROCARBON)	83.0	71,795	
AMERADA HESS CORPORATION	17.0	14,705	
NORTH CAROLINA			
CAROLINA POWER & LT			144,650
EXXON CORPORATION	100.0	144,650	
SOUTH CAROLINA			
SOUTH CAROLINA ELEC & GAS			259,600
EXXON CORPORATION	100.0	259,600	
SOUTH CAROLINA PUB SERV			73,400
AMERADA HESS CORPORATION	100.0	73,400	
VIRGINIA			
VIRGINIA ELECTRIC POWER			2,049,800
EXXON CORPORATION	68.6	1,406,163	
AMERADA HESS CORPORATION	24.2	496,052	
AMOCO OIL COMPANY	7.2	147,586	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS			
ARKANSAS ELEC COOP			68,800
LOGICON INC (SHELL)	80.0	55,040	
E L BRIDE COMPANY (TEXACO)	20.0	13,760	
JONESBORO WATER AND LIGHT PLANT			0
KANSAS			
CENTRAL KANSAS PWR			2,300
GREAT PLAINS OIL (CRA-FARMLAND)	100.0	2,300	
CHANUTE,CITY OF			7,900
MID AMERICA REFINING CO	100.0	7,900	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
COFFEYVILLE LT & PWR			3,550
CRA-FARMLAND	100.0	3,550	
KANSAS GAS & ELEC			0
KANSAS POWER & LIGHT			14,300
PHILLIPS PETROLEUM COMPANY	46.1	6,592	
GREAT PLAINS OIL CO	38.4	5,491	
NATIONAL COOPERATIVE REFINERY ASSN	15.5	2,217	
LARNED WTR & ELEC			0
MCPHERSON PD OF PUB UTIL			4,900
NATIONAL COOPERATIVE REFINERY ASSN	63.3	3,102	
AMOCO OIL COMPANY	36.7	1,798	
OTTAWA WTR & LT			150
CARTER WATERS CORP (AMOCO)	100.0	150	
LOUISIANA			
CENTRAL LOUISIANA ELECTRIC COMPANY			0
JONESBORO POWER & LIGHT			0
MIDDLE SOUTH SERVICES			702,300
MURPHY OIL CORPORATION	30.0	210,690	
TAUBER OIL CO	20.5	143,972	
SHELL OIL COMPANY	21.3	149,590	
EXXON CORPORATION	12.9	90,597	
TENNECO OIL COMPANY	9.5	66,719	
ERGON INC (EXXON)	3.8	26,687	
E L BRIDE CO (OKC REF.)	1.7	11,939	
REESE OIL CO (SUN OIL)	.3	2,107	
SOUTHWESTERN ELECTRIC POWER COMPANY			0
MISSISSIPPI			
CLARKSDALE WTR & LT			1,750
SOUTHLAND OIL (HOWELL HYDROCARBON)	100.0	1,750	
YAZOO CITY PUB SERV			0
MISSOURI			
EMPIRE DIST ELEC			0

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ST JOSEPH LT & PWR			0
NEBRASKA			
CENTRAL TEL & UTIL			8,850
AMOCO OIL COMPANY	73.0	6,461	
NORTH AMERICAN PETROLEUM	23.0	2,036	
CARTER WATERS CORP (THREE RIVERS)	4.0	354	
OKLAHOMA			
BLACKWELL WTR & LT			0
MANGUM LT & PWR			0
OKLAHOMA GAS & ELEC			0
WESTERN FARMERS ELEC COOP			0
TEXAS			
GULF STATES UTILITIES			224,200
COASTAL STATES MARKETING	37.5	84,075	
TENNECO OIL COMPANY	16.1	36,096	
UNITED PETROLEUM DISTRIBUTORS INC	4.0	8,968	
EXXON CORPORATION	20.1	45,054	
SOUTH HAMPTON CO	22.3	49,997	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT			0
BRYAN, CITY OF			10,650
PETROLEUM TRADING & TRANS.(3 RIVERS)	100.0	10,650	
COMMUNITY PUB SERV			0
DALLAS POWER &LT.			0
EL PASO ELECTRIC			0
GARLAND,CITY OF			16,700
PRIDE REFINERY INC	74.7	12,475	
DELTA REFINING COMPANY	25.3	4,225	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
LOWER COLORADO RIVER AUTH			0
MEDINA ELEC COOP			0
SAN ANTONIO PUB SERV			56,400
TESORO PETROLEUM CORPORATION	100.0	56,400	
TEXAS ELEC SERV			0
TEXAS PWR & LT			0
WEST TEXAS UTIL			122,400
PRIDE REFINING INC	100.0	122,400	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS			
COMMONWEALTH EDISON CO.			0
ILLINOIS POWER CO			0
MISSOURI			
UNION ELECTRIC			0
WISCONSIN			
LAKE SUPERIOR DIST PWR			0
SUPERIOR WTR & LT			14,800
MURPHY OIL CORPORATION	100.0	14,800	
WISCONSIN ELEC PWR			0

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA			
ATLANTIC MUNICIPAL UTILITIES			1,700
MCMILLAN OIL CO	100.0	1,700	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
INTERSTATE POWER			46,600
NORTHWESTERN REFINING COMPANY	100.0	46,600	
MANNING MUNICIPAL LIGHT PLANT			0
MINNESOTA			
AUSTIN UTILITIES			0
FAIRMONT WTR & LT			0
MARSHALL MUNICIPAL UTIL			1,200
E L BRIDE COMPANY	100.0	1,200	
MINNESOTA PWR & LT			50,600
MURPHY OIL CORPORATION	100.0	50,600	
NORTHERN STATES PWR			0
OWATONNA MUN UTIL			15,400
NORTHWESTERN REFINING COMPANY	60.0	9,240	
GUSTAFSON OIL CO	40.0	6,160	
WORTHINGTON, CITY OF			0
NEBRASKA			
CENTRAL NEBRASKA PUBLIC			0
FAIRBURY LT & WTR			1,350
CARTER WATERS CORP (TEXACO)	100.0	1,350	
GRAND ISLAND ELEC			7,550
EL BRIDE COMPANY	100.0	7,550	
HASTINGS UTILITIES DEPT			0
LINCOLN ELECTRIC SYSTEM			0
NEBRASKA PUBLIC POWER DISTRICT			0
OMAHA PUB PWR DIST			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)			
INDIANA			
INDIANAPOLIS POWER & LIGHT COMPANY			0
MICHIGAN			
CLINTON LT & WTR			700
CRYSTAL REFINING COMPANY	100.0	700	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
CONSUMERS POWER			282,800
CONSUMERS POWER-CRUDE	54.0	152,712	
LAKESIDE REFINING COMPANY	14.0	39,592	
OSCEOLA REFINING COMPANY	8.0	22,624	
TOTAL LEONARD INC	4.0	11,312	
MURPHY MILES DIV AMOCO	6.0	16,968	
ENTERPRISE OIL COMPANY	6.0	16,968	
BORON OIL (STANDARD)	3.0	8,484	
INDUSTRIAL FUEL & ASPHALT	2.0	5,656	
PURP OIL COMPANY	2.0	5,656	
GLADIEUX REFINERY INC	1.0	2,828	
DETROIT EDISON CO.			614,400
SUN OIL LTD	83.7	514,253	
CANADIAN FUEL MARKETEERS	16.3	100,147	
GRAND RAPIDS BD PUB			0
HILLSDALE BD OF PUB WORKS			6,000
GLADIEUX REFINERY INC	100.0	6,000	
OHIO			
CLEVELAND ELEC ILLUMIN			116,300
ALLIED OIL COMPANY (ASHLAND)	100.0	116,300	
TOLEDO EDISON			0
PENNSYLVANIA			
ALLEGHENY POWER SERVICE			0

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA			
ARIZONA PUBLIC SERVICE CO.			182,400
UNION OIL COMPANY OF CA	47.2	86,093	
PACIFIC SOUTHWEST PIPE	16.5	30,096	
SAN JOAQUIN REFINING CO	32.0	58,368	
BASIN FUELS	4.3	7,843	
SALT RIVER PROJECT			100,000
TESORO PETROLEUM CORPORATION	12.1	12,100	
DOUGLAS OIL CO	2.8	2,800	
EDGINGTON OIL COMPANY	5.4	5,400	
GUSTAFSON OIL CO	.9	900	
MACMILLAN RING FREE OIL CO INC	16.6	16,600	
MARLEX PETROLEUM (MACMILLAN)	1.0	1,000	
POWERINE OIL COMPANY	12.2	12,200	
SIMMONS OIL (THRIFTWAY REF.)	1.4	1,400	
LITTLE AMERICA REFINING COMPANY	19.2	19,200	
SAN JOAQUIN REFINING CO	28.4	28,400	

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
TUCSON GAS & ELEC			112,000
GOLDEN GATE PETROLEUM COMPANY	22.0	24,640	
NAVAJO REFINING COMPANY	5.0	5,600	
TOSCO PETROLEUM	43.0	48,160	
UNION OIL COMPANY OF CA	25.0	28,000	
HOLLAND OIL COMPANY (TOSCO)	5.0	5,600	
CALIFORNIA			
BURBANK CITY PUBLIC SER.			74,800
GOLDEN EAGLE REFINING COMPANY INC	100.0	74,800	
GLENDALE PUBLIC SERVICES			55,500
POWERINE OIL COMPANY	100.0	55,500	
IMPERIAL IRRIGATION DISTR			78,000
CRESCENT REFINING & OIL (GULF)	100.0	78,000	
LOS ANGELES DEPT OF WATER & POWER			1,207,500
ATLANTIC RICHFIELD COMPANY	43.5	525,263	
COPSTAL STATES MARKETING	27.2	8,440	
EDGINGTON OIL COMPANY	15.3	184,748	
PETROBAY	5.5	66,413	
NEWHALL REFINING CO INC	3.6	43,470	
SAN JOAQUIN REFINING CO	2.6	31,395	
POWERINE OIL COMPANY	2.3	27,773	
PACIFIC GAS & ELECTRIC CO			1,428,000
ATLANTIC RICHFIELD COMPANY	71.3	1,018,164	
UNION OIL COMPANY OF CALIF	4.7	67,116	
PHILLIPS PETROLEUM COMPANY	24.0	342,720	
PASADENA POWER CO.			68,600
GOLDEN EAGLE REFINING COMPANY INC	100.0	68,600	
SAN DIEGO GAS & ELECTRIC CO.			704,000
UNION OIL COMPANY OF CA	29.8	209,792	
HIRI	16.2	114,048	
EDGINGTON OIL CO	21.3	149,952	
TESORO PETROLEUM CORPORATION	32.7	230,208	

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHERN CALIF EDISON			3,579,500
STANDARD OIL COMPANY OF CALIFORNIA	59.1	2,115,485	
TEXACO INC	8.0	286,360	
ATLANTIC RICHFIELD COMPANY	6.4	229,088	
EXXON CORPORATION	16.7	597,777	
PACIFIC RESOURCES INC	5.6	200,452	
MACMILLAN RING FREE OIL CO INC	2.4	85,908	
CONTINENTAL OIL COMPANY	1.8	64,431	
COLORADO			
COLORADO SPRINGS LT & PWR			0
LAMAR LT & PWR			0
PUB SERV COLORADO			12,000
PLATEAU INC	100.0	12,000	
MONTANA			
MONTANA POWER			45,000
CONTINENTAL OIL COMPANY	100.0	45,000	
NEVADA			
NEVADA POWER COMPANY			28,400
GUSTAFSON OIL CO	54.0	15,336	
HUSKY OIL COMPANY	46.0	13,064	
SIERRA PACIFIC POWER			57,400
GOLDEN GATE PETROLEUM COMPANY	100.0	57,400	
NEW MEXICO			
PLAINS ELEC GEN & TRANSM			0
PUB SERV NEW MEXICO			12,600
PLATEAU INC	39.8	5,015	
SHELL OIL COMPANY	26.4	3,326	
THRIFTWAY REFINING	5.4	680	
NAVAJO REFINING CO	24.1	3,037	
STANDARD OIL COMPANY OF TEXAS	4.3	542	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
OREGON			
PACIFIC POWER & LIGHT CO			0
UTAH			
UTAH POWER &LIGHT CO.			0
WASHINGTON			
PUGET SOUND POWER &LIGHT CO.			0
SEATTLE DEPT OF LI			0
TACOMA DEPT OF PUBLIC UTILITIES			0

10. NONCONTIGUOUS UNITED STATES

HAWAII			
HAWAIIAN ELECTRIC COMPANY			282,200
STANDARD OIL COMPANY OF CALIFORNIA	100.0	282,200	
HILO ELECTRIC COMPANY			38,500
STANDARD OIL COMPANY OF CALIFORNIA	100.0	38,500	
KAUAI ELECTRIC			11,350
STANDARD OIL COMPANY OF CALIFORNIA	100.0	11,350	
MAUI ELECTRIC			37,600
STANDARD OIL COMPANY OF CALIFORNIA	100.0	37,600	
PUERTO RICO WATER RESOURCES AUTHORIT			1,484,473
COMMONWEALTH OIL REFINING CO	50.0	742,237	
PUERTO RICO SUN OIL CO	30.0	445,342	
CARIBBEAN GULF REFINING CORP	20.0	296,895	

TOTAL NUMBER OF UTILITIES = 155

TOTAL NUMBER OF UTILITIES WITH A POSITIVE DELIVERY = 103

TOTAL NUMBER OF UTILITIES SHOWING SUPPLIERS = 119

TOTAL DELIVERY IN BARRELS (ALL UTILITIES) = 37,492,973

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