AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

federal register

FRIDAY, MARCH 15, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 52

Pages 9913–10106

PART I



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federal register

Area Code 202 Phone 523–5240

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

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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 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–259]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Flood Insurance Requirements

The Flood Disaster Protection Act of 1973, P.L. 93–234 provides that after March 1, 1974 no Federal financial assistance shall be approved, for the repair or improvement of a building or for the acquisition or purchase of a mobile home, located in an area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building or mobile home is covered by flood insurance in an amount at least equal to the amount of the loan.

The Act further provides that on or after July 1, 1975, no Federal financial assistance shall be approved, for acquisition or construction purposes for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which the building or mobile home is situated is participating in the National Flood Insurance Program and such insurance is obtained by the borrower on the building or mobile home that is the subject of the loan under this part. The amount of flood insurance purchased need not exceed the principal balance of the loan and need not be required beyond the term of the loan.

Because these amendments reflect a legislative mandate and conform this program to the needs of the public, notice and public procedure under the provisions of 5 U.S.C. 553 are found to be impracticable and contrary to the public interest. Good cause is found to exist for making these regulations effective on March 2, 1974.

§ 206.17 [Redesignated]

1. Accordingly, § 201.16 is redesignated as § 201.17 and a new § 201.16 is added as follows:

§ 201.16 Flood insurance.

(a) After March 1, 1974, flood insurance coverage is required as a condition of obtaining or refinancing a loan when the building to be constructed, repaired or improved is in an area that has been identified by the Secretary as an area having special flood hazards and flood insurance for such area has been made available under the National Flood Insurance Act of 1968, as amended. The amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) On or after July 1, 1975, no loan shall be made or refinanced for construction, repair or improvement of any building located in an area that has been identified by the Secretary as an area having special flood hazards unless the community in which the area is situated is participating in the National Flood Insurance Program, and such insurance is obtained by the borrower. The amount of flood insurance required need not exceed the principal balance of the loan and need not be required beyond the term of the loan.

2. A new § 201.526 is added to read as follows:

§ 201.526 Flood insurance.

(a) After March 1, 1974, flood insurance coverage is required as a condition of obtaining or refinancing a loan for the acquisition or purchase of a mobile home when the mobile home is located or is to be located in an area that has been identified by the Secretary as an area having special flood hazards and flood insurance for such area has been made available under the National Flood Insurance Act of 1968. The amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) On or after July 1, 1975, no loan shall be made for the acquisition or purchase of a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards unless the community in which the mobile home is located or is to be located is participating in the National Flood Insurance Program and such insurance is obtained by the borrower. The amount of insurance required need not exceed the principal balance of the loan and need not be required beyond the term of the loan.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 and Secs. 102(a), 202(a) and 205 of the Flood Disaster Protection Act of 1973, 87 Stat. 975))

Effective date. This amendment is effective March 2, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74–6096 Filed 3–14–74;8:45 am]

[Docket No. R–74–258]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Flood Insurance Requirements

Pursuant to section 102(a) of the Flood Disaster Protection Act of 1973 (82 Stat. 572; 42 U.S.C. 4001), this Department is amending its regulations. These amendments revoke the section which permitted the Secretary to exclude a property in a special flood hazard area from flood insurance requirements if he determined that the elevation of the property was such that there was no risk of flooding and adds a new section which requires flood insurance when a property is covered by an insured home improvement loan and is located in a flood hazard area.

Since these amendments are required by section 102(a) of the Flood Disaster Protection Act of 1973, publication for comment and public procedure is not necessary and good cause exists for making these amendments effective on publication.

Accordingly, Part 203 is amended as follows:

1. Section 203.16a is amended by revoking paragraph (b).

2. A new § 203.61a is added as follows:

§ 203.61a Requirement for maintaining flood insurance coverage.

If the loan is to cover property that (a) is located in an area designated by the Secretary as a flood plain area having special flood hazards or (b) is otherwise determined by the Commissioner to be subject to a flood hazard; and if flood insurance under the National Flood Insurance Program (NFIP) is available with respect to such property, the lender and the borrower shall be obligated, by a special condition to be included in the loan insurance commitment, to obtain and maintain NFIP flood insurance coverage on the property during such time as the loan is insured. The flood insurance to be maintained shall be in an amount at least equal to either the outstanding balance of the loan or the maximum amount of NFIP insurance available with respect to the property, whichever is less.

Effective date. These amendments shall be effective on March 15, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74–6039 Filed 3–14–74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-222]

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Idaho	Latah	Moscow, city of				Mar. 15, 1974. Emergency.
Missouri	St. Louis	Normandy, town of.				Do.
New Jersey	Essex	Cedar Grove, township of.				Do.
New York	Oneida	Whitesboro, village of.				Do.
Do	Washington	Fort Edward, village of.				Do.
North Carolina	Wake	Wake Forest, town of.				Do.
Oklahoma	Pittsburg	McAlester, city of				Do.
Tennessee	McMinn	Athens, city of				Do.
Virginia	Essex	Unincorporated areas.				Do.
Do	Scott	Weber City, town of.				Do.
Do	Wythe	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-5917 Filed 3-14-74;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-223]

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Georgia	Cobb	Acworth, city of				Mar. 14, 1974. Emergency.
Do	Fayette	Peachtree City, city of.				Do.
Massachusetts	Essex	West Newbury, town of.				Do.
Michigan	Berrien	Watervliet, township of.				Do.
North Carolina	Bertie	Windsor, town of				Do.
Oklahoma	Canadian	Yukon, city of				Do.
Tennessee	White	Sparta, town of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-5918 Filed 3-14-74;8:45 am]

[Docket No. FI-221]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Alabama	Colbert	Muscle Shoals, city of.	H 01 033 2190 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City of Muscle Shoal, Muscle Shoals, Ala. 35660.	Mar. 8, 1974.
Do	do	Tuscumbia, city of.	H 01 033 3060 01 through H 01 033 3060 04	do	City Clerk, City of Tuscumbia, Tuscumbia, Ala. 35674.	Do.
Do	Etowah	Gadsden, city of	H 01 055 1280 01 through H 01 055 1280 15	do	Mayor, City Hall, Gadsden, Ala. 35901.	Do.
Do	Jackson	Bridgeport, city of.	H 01 071 0480 01 through H 01 071 0480 02	do	Mayor, City Hall, Bridgeport, Ala. 35740.	Do.
Do	do	Hollywood, city of.	H 01 071 1090 01	do	Mayor, City Hall, Hollywood, Ala. 35752.	Do.
Do	Lawrence	Courtland, city of.	H 01 079 0800 01	do	Mayor, City of Courtland, Courtland, Ala. 35618.	Do.
Do	Lime Stone	Athens, city of	H 01 083 0170 01 through H 01 083 0170 05	do	Mayor, Municipal Bldg., Athens, Ala. 35611.	Do.
Arizona	Maricopa	Peoria, city of	H 04 013 0368 01 through H 04 013 0368 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mayor, City Hall, 8515 West Washington, Peoria, Ariz. 85345.	Do.
Arkansas	Cleveland	Rison, city of	H 05 025 3380 01	Division of Soil & Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Rison, Ark. 71665	Do.
Do	Dallas	Carthage, city of	H 05 039 0670 01 through H 05 039 0670 02	do	Mayor, City of Carthage, Carthage, Ark. 71725.	Do.
Do	Jackson	Diaz, town of	H 05 067 1105 01	do	Mayor, Municipal Bldg., Town of Diaz, Diaz, Ark. 72043.	Do.
Do	Sebastian	Hartford, town of	H 05 131 1760 01	do	Mayor, Hartford, Ark. 72938	Do.
Do	White	Bald Knob, city of.	H 05 145 0220 01 through H 05 145 0220 02	do	Mayor, City Hall, Bald Knob, Ark. 72010.	Do.
Do	do	Beebe, city of	H 05 145 0290 01	do	Mayor, City Hall, Beebe, Ark. 72012	Do.
Do	do	McRae, city of	H 05 145 2450 01 through H 05 145 2450	do	Mayor, City Hall, McRae, Ark. 72102	Do.
California	San Diego	El Cajon, city of	H 06 073 1080 01 through H 06 073 1080 06	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012 and, 1407 Market St., San Francisco, Calif. 74103.	City Hall, 270 Highland Ave., El Cajon, Calif. 92022.	Do.
Do	do	La Mesa, city of	H 06 073 1820 01 through H 06 073 1820 04	do	Mayor, City Hall, 8130 Allison Ave., La Mesa, Calif. 92041.	Do.
Do	San Mateo	Atherton, town of	H 06 081 0180 01 through H 06 081 0180 02	do	Mayor, Town Hall, 91 Ashfield Rd., Atherton, Calif. 94025.	Do.
Do	Santa Cruz	Santa Cruz, city of	H 06 087 3450 01 through H 06 087 3450 05	do	Mayor, City Hall, 809 Center St., Santa Cruz, Calif. 95060.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Sonoma	Petaluma, city of.	H 06 097 2740 01 through H 06 097 2740 04	do	Mayor, City Hall, Post and English Sts., Petaluma, Calif. 94952.	Do.
Do	do	Sebastopol, city of.	H 06 097 3580 01	do	Mayor, City Hall, 7120 Bodega Ave., Sebastopol, Calif. 95472.	Do.
Do	Tulare	Exeter, city of	H 06 107 1230 01	do	Mayor, City Hall, 137 N.F. St., Exeter, Calif. 93221.	Do.
Connecticut	Fairfield	Weston, town of	H 09 001 0832 01 through H 09 001 0832 06	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Weston City Hall, 56 Norfield Rd., Weston, Conn. 06880.	Do.
Do	Litchfield	Washington Depot, town of.	H 09 005 0804 01 through H 09 005 0804 03	do	First Selectman, Town Hall, Washington Depot, Conn. 06794.	Do.
Florida	Brevard	West Melbourne, town of.	H 12 009 3175 01 through H 12 009 3175 03	Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, City Hall, West Melbourne, Fla.	Do.
Do	Palm Beach	Boynton Beach, city of.	H 12 099 0330 01 through H 12 099 0330 06	do	City Clerk's Office, 120 East Second Ave., P.O. Box 310, Boynton Beach, Fla. 33435.	Do.
Georgia	Dade	Trenton, city of	H 13 083 5580 01 through H 13 083 5580 05	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Hall, Trenton, Ga. 30752	Do.
Do	Walker	Fort Oglethorpe, city of.	H 13 295 2210 01 through H 13 295 2210 04	do	Mayor, City Hall, Fort Oglethorpe, Ga. 30741.	Do.
Illinois	Bureau	Manlius, village of	H 17 011 5180 01	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, Manlius, Ill. 61338	Do.
Do	Cook	Sauk Village, village of.	H 17 031 7765 01	do	President, Village Hall, 22272 Cornell, Sauk Village, Ill. 60411.	Do.
Do	De Kalb	Kingston, city of	H 17 037 4490 01	do	President, City of Kingston, Kingston, Ill. 60145.	Do.
Do	Du Page	Clarendon Hills, village of.	H 17 043 1770 01	do	Village Manager, Village of Clarendon Hills, 1 North Prospect Ave., Clarendon Hills, Ill. 60514.	Do.
Do	Franklin	West Frankfort, city of.	H 17 055 9230 01 through H 17 055 9230 02	do	Chairman Zoning Commission, City Hall, West Frankfort, Ill. 62896.	Do.
Do	Grundy	Carbon Hills, village of.	H 17 063 1353 01	do	Mayor, Village Hall, Carbon Hill, Ill. 60416.	Do.
Do	do	Diamond, village of.	H 17 063 2345 01	do	President, Diamond Village Hall, Coal City, Ill. 60416.	Do.
Do	do	Eileen, village of	H 17 063 2660 01	do	Mayor, Eileen village Hall, Coal City, Ill. 60416.	Do.
Do	do	Coal City, village of.	H 17 083 1830 01	do	Mayor, City Hall, 545 South Broadway, Coal City, Ill. 60416.	Do.
Do	Du Page	Villa Park	H 17 043 8900 01 through H 17 043 8900 02	do	President, 20 South Ardmore, Villa Park, Ill. 60181.	Do.
Do	Iroquois	Watseka, city of	H 17 075 9080 01 through H 17 075 9080 02	do	Mayor and Council, Watseka, Ill. 60970	Do.
Do	Kane	Sugar Grove, village of.	H 17 089 8388 01	do	President, Box 91, Sugar Grove, Ill. 60554.	Do.
Do	Lake	Green Oaks, village of.	H 17 097 3604 01 through H 17 097 3604 02	do	Mayor, 1704 North Glenmore Rd., Libertyville, Ill. 60048.	Do.
Do	do	Island Lake, village of.	H 17 097 4216 01	do	Mayor, 324 Channel Dr., Island Lake, Ill. 60042.	Do.
Do	do	Winthrop Harbor, village of.	H 17 097 9480 01 through H 17 097 9480 02	do	Mayor, 830 Sheridan Rd., Winthrop Harbor, Ill. 60096.	Do.
Do	Lawrence	Lawrenceville, city of.	H 17 101 4710 01 through H 17 101 4710 02	do	Mayor, City Hall, Lawrenceville, Ill. 62439.	Do.
Do	Livingston	Pontiac, city of	H 17 105 7070 01 through H 17 105 7070 02	do	Mayor, City Hall, Pontiac, Ill. 61764	Do.
Do	Logan	Lincoln, city of	H 17 107 4840 01 through H 17 107 4840 02	do	Mayor, City Hall, Lincoln, Ill. 62656	Do.
Do	McHenry	Algonquin, village of.	H 17 111 0080 01	do	President, Village Board, Algonquin, Ill. 60102.	Do.
Do	do	Spring Grove, village of.	H 17 111 8224 01	do	President, Spring Grove, Ill. 60081	Do.
Do	Madison	Alton, city of	H 17 119 0160 01 through H 17 119 0160 06	do	City Council, City Hall, Alton, Ill. 62002.	Do.
Do	do	Highland, city of	H 17 119 3900 01 through H 17 119 3900 02	do	City Council, City Hall, Highland, Ill. 62249.	Do.
Do	Massac	Metropolis, city of	H 17 127 5530 01 through H 17 127 5530 02	do	Mayor, Metropolis, Ill. 62960	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Tazewell	Marquette Heights, city of.	H 17 179 5292 01	do	Village Zoning Board, 715 Lincoln Rd., Marquette Heights, Ill. 61544.	Do.
Do	do	North Pekin, village of.	H 17 179 6340 01	do	Mayor, 318 North Main, North Pekin, Ill. 61511.	Do.
Do	Union	Dongola, village of.	H 171181 2400 01	do	Mayor, Village Hall, Dongola, Ill. 62926.	Do.
Do	Will	Lockport, city of	H 17 197 4910 01 through H 17 197 4910 04	do	Mayor, City Hall, Lockport, Ill. 60441.	Do.
Iowa	Black Hawk	Hudson, town of	H 19 013 3930 01 through H 19 013 3930 04	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Hudson, Iowa 50643.	Do.
Do	Linn	Mount Vernon, city of.	H 19 113 5900 01 through H 19 113 5900 02	do	Mayor, City Hall, Mount Vernon, Iowa 52314.	Do.
Do	Mills	Malvern, town of	H 19 129 5170 01 through H 19 129 5170 02	do	Mayor, Malvern, Iowa 51551	Do.
Kansas	Johnson	Edgerton, city of	H 20 091 1480 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Edgerton, Kans. 66021.	Do.
Do	Lincoln	Lincoln, city of	H 20 105 3189 01	do	Mayor, City Hall, Lincoln, Kans. 67455.	Do.
Do	McPherson	Moundridge, city of.	H 20 113 3820 01	do	Mayor, City Hall, Moundridge, Kans. 67107.	Do.
Do	Pottawatomie	Westmoreland, city of.	H 20 149 5770 01	do	Mayor, City Hall, Westmoreland, Kans. 66549.	Do.
Do	Reno	Nickerson, city of	H 20 155 4010 01	do	Mayor, City Bldg., Nickerson, Kans. 67501.	Do.
Do	Rice	Chase, city of	H 20 159 0890 01	do	Mayor, City Hall, Chase, Kans. 67524	Do.
Do	do	Sterling, city of	H 20 159 5225 01	do	City Manager, City Hall, Sterling, Kans. 67579.	Do.
Do	Riley	Manhattan, city of.	H 20 161 3490 01 through H 20 161 3490 04	do	City Managers Office, City Hall, 11th and Poyntz, Manhattan, Kans. 66502.	Do.
Do	Wabaunsee	Alma, city of	H 20 197 0100 01	do	Mayor, City Hall, Alma, Kans. 66401	Do.
Kentucky	Marshall	Calvert City, city of.	H 21 157 0511 01 through H 21 157 0511 06	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Calvert City, Ky. 42029	Do.
Louisiana	Caiborne Parish	Haynesville, town of.	H 22 027 1020 01 through H 22 027 1020 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Haynesville, La. 71038.	Do. Do.
Do	Tangipahoa Parish.	Hammond, city of.	H 22 105 0980 01 through H 62 105 0980 02	do	Mayor, City Hall, Hammond, La. 70401.	Do.
Do	Vermilion Parish	Erath, town of	H 62 113 0690 01	do	Mayor, City Hall, Erath, La. 70533	Do.
Maine	Cumberland	Cape Elizabeth, town of.	H 23 005 1400 01 through H 23 005 1400 06	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Cape Elizabeth, Maine 04107.	Do.
Do	Oxford	Mexico, town of	H 23 017 5100 01 through H 23 017 5100 07	do	Mexico Municipal Bldg., Mexico, Maine 04257.	Do.
Maryland	Cecil	Perryville, town of.	H 24 015 1200 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Town Office, Broad St., Perryville, Md. 21903.	Do.
Do	Washington	Funkstown, town of.	H 24 043 0620 01	do	Mayor and Council, Box 235, Funkstown, Md. 21734.	Do.
Massachusetts	Bershire	North Adams, city of.	H 25 003 0880 01 through H 25 003 0880 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Mayor, City Hall, North Adams, Mass. 01247.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Franklin	Sunderland, town of.	H 25 011 1265 01 through H 25 011 1265 03	do	Chairman, Planning Board, Town Hall, Sunderland, Mass. 01375.	Do.
Do	Worcester	Athol, town of	H 25 027 0040 01 through H 25 027 0040 05	do	Chairman, Board of Selectmen, Town Hall, Athol, Mass. 01331.	Do.
Do	do	Westborough, town of.	H 25 027 1392 01 through H 25 027 1392 10	do	Chairman, Board of Selectman, Town Hall, Westborough, Mass. 01581.	Do.
Michigan	Clinton	De Witt, city of	H 26 037 1280 01 through H 26 037 1280 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	City Council, De Witt, Mich. 48820.	Do.
Do	Kalamazoo	Augusta, village of.	H 26 077 0220 01	do	President, Village Hall, 109 West Clinton, Augusta, Mich. 49012.	Do.
Minnesota	Goodhue	Red Wing, city of.	H 27 049 5840 01 through H 27 049 5840 14	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, 4th St., Red Wing, Minn. 55066.	Do.
Do	Freeborn	Glenville, city of.	H 27 047 2720 01	do	Mayor, Glenville, Minn. 56036	Do.
Do	Hennepin	Golden Valley, city of.	H 27 053 2750 01 through H 27 053 2750 04	do	Mayor, City of Golden Valley, 7800 Golden Valley Rd., Golden Valley, Minn. 55427.	Do.
Do	Houston	Hokah, city of	H 27 055 3350 01	do	Mayor, Hokah, Minn. 55941	Do.
Do	Roseau	Roseau, city of	H 27 135 6040 01	do	Mayor, 224 Main Ave., Roseau, Minn. 56751.	Do.
Do	Scott	Belle Paine, city of.	H 27 139 0490 01 through H 27 139 0490 04	do	Mayor, City Hall, Belle Plaine, Minn. 56011.	Do.
Do	do	Jordan, city of	H 27 139 3640 01 through H 27 139 3640 02	do	Mayor, City Hall, Jordan, Minn. 55352.	Do.
Do	Sheerboune	Elk River, city of.	H 27 141 2110 01 through H 27 141 2110 02	do	City Hall, P.O. Box 255, Elk River, Minn. 55330.	Do.
Do	Stearns	Sauk Centre, city of.	H 27 145 6430 01 through H 27 145 6430 02	do	Mayor, Sauk Centre, Minn. 56378	Do.
Do	do	Waite Park, city of.	H 27 145 7260 01	do	Mayor, Waite Park, Minn. 56387	Do.
Do	Wabasha	Wabasha, city of	H 27 157 7210 01 through H 27 157 7210 07	do	Mayor, City Hall, Wabasha, Minn. 55981.	Do.
Do	Washington	Lake St. Croix Beach, city of.	H 27 163 3976 01	do	Mayor, City of Lake St. Croix Beach, City Hall, Depot Place and Vernon, Lakeland, Minn. 55043.	Do.
Do	Wright	Buffalo, city of	H 27 171 0930 01 through H 27 171 0930 03	do	Mayor, City Hall, Buffalo, Minn. 55313.	Do.
Mississippi	Tishomingo	Iuka, city of	H 28 141 1210 01 through H 28 141 1210 06	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Mayor, City Hall, Iuka, Miss. 38852	Do.
Missouri	Butler	Poplar Bluff, city of.	H 29 023 6410 01 through H 29 023 6410 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Poplar Bluff, Mo. 63901.	Do.
Do	Franklin	Union, city of	H 29 071 7860 01 through H 29 071 7860 02	do	Mayor, City Hall, Union, Mo. 63084	Do.
Do	Oregon	Thayer, city of	H 29 149 7720 01 through H 29 149 7720 02	do	Mayor, City Hall, Thayer, Mo. 65791	Do.
Do	Perry	Perryville, city of	H 29 157 6210 01 through H 29 157 6210 02	do	Mayor, City Hall, Perryville, Mo. 63775.	Do.
Do	St. Louis	Grantwood Village, town of.	H 29 189 3310 01	do	Mayor, City Hall, 10250 Gravois Rd., Grantwood Village, Mo. 63123.	Do.
Do	Scott	Morley, city of	H 29 201 5400 01	do	Mayor, City Hall, Morley, Mo. 63763	Do.
Do	Shannon	Winona, city of	H 29 203 8450 01 through H 29 203 8450 04	do	Mayor, Winona, Mo. 65588	Do.
Do	Stoddard	Puxico, town of	H 29 207 6550 01 through H 29 207 6550 02	do	Mayor, City Hall, Puxico, Mo. 63960	Do.
Montana	Missoula	Missoula, city of	H 30 063 0830 01 through H 30 063 0830 05	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Missoula, Mont. 59801.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Rosebud	Forsyth, city of	H 30 087 0430 01	do	Mayor, Forsyth, Mont. 59327	Do.
Nebraska	Madison	Battle Creek, village of.	H 31 119 0360 01 through H 31 119 0360 02	Nebraska Natural Resources Commission, P.O. Box 94726, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Battle Creek, Nebr. 68715	Do.
New Hampshire.	Belknap	New Hampton, town of.	H 33 001 0352 01 through H 33 001 0352 06	Office of State Planning, Division of Community, State House Annex, Concord, N.H. 03301.	William Clement, Senior Selectman, New Hampton, N.H.	Do.
Do	Cheshire	Hindsdale, town of.	H 33 005 0230 01 through H 33 005 0230 05	do	Chairman, Planning Board, Hindsdale, N.H. 03451.	Do.
Do	Grafton	Enfield, town of	H 33 009 0120 01 through H 33 009 0120 07	do	Chairman, Planning Board, Enfield, N.H. 03748.	Do.
Do	do	Haverhill, town of.	H 33 009 0215 01 through H 33 009 0115 09	do	Chairman, Planning Board, Haverhill, N.H. 03765.	Do.
Do	Hillsborough	Hadson, town of	H 33 011 0238 01 through H 33 011 0238 04	do	Selectman, Town Hall, Hadson, N.H. 03051.	
Do	do	Bennington, town of.	H 33 011 0019 01 through H 33 011 0019 04	do	Selectmen, Bennington, N.H. 03442	
Do	Sullivan	Claremont, city of.	H 33 019 0050 01 through H 33 019 0050 12	do	Mayor, City Hall, Claremont, N.H. 03743.	Do.
New Jersey	Bergen	Saddlebrook, township of.	H 34 003 2942 01 through H 34 003 2942 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 17 Platt Ave., Saddlebrook, N.J. 07662.	Do.
Do	Cape May	Woodbine, borough of.	H 34 009 3700 01 through H 34 009 3700 04	do	Mayor, Borough Hall, Woodbine, N.J. 08270.	Do.
Do	Gloucester	West Deptford, township of.	H 34 015 3572 01 through H 34 015 3572 05	do	West Deptford Municipal Bldg., Grove and Crown Point Rd., Thorofare, N.J. 08086.	Do.
Do	do	Westville, borough of.	H 34 015 3620 01 through H 34 015 3620 02	do	Mayor, Borough Hall, Westville, N.J. 08093.	Do.
Do	Middlesex	Monroe, township of.	H 34 023 1405 01 through H 34 023 1405 11	do	Township Engineer, Township of Monroe, Hamilton St., Somerset, N.J. 08873.	Do.
Do	Monmouth	Red Bank, borough of.	H 34 025 2760 01	do	Mayor, 32 Monmouth St., Red Bank, N.J. 07701.	Do.
Do	Union	Winfield, township of.	H 34 039 3693 01	do	Mayor, 12 Gulfsteam Ave., Winfield, N.J. 07036.	Do.
New York	Broome	Chenango, town of.	H 36 007 1114 01 through H 36 007 1114 09	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Rural Delivery No. 3, Binghamton, N.Y. 13904.	Do.
Do	do	Dickinson, town of.	H 36 007 1544 01 through H 36 007 1544 06	do	Town Supervisor, Port Dickinson, N.Y. 13905.	Do.
Do	Erie	Amherst, town of	H 36 029 0156 01 through H 36 029 0156 15	do	Supervisor, Town Hall, 5583 Main St., Williamsville, N.Y. 14221.	Do.
Do	Genesee	Le Roy, village of	H 36 037 3210 01 through H 36 037 3210 02	do	Mayor, City Hall, Le Roy, N.Y. 14482	Do.
Do	do	Le Roy, town of	H 36 037 3212 01 through H 36 037 3212 11	do	Chairman, Town Board, Town Hall, Le Roy, N.Y. 14482.	Do.
Do	Greene	Coxsackie, village of.	H 36 039 1400 01 through H 36 039 1400 02	do	Mayor, Coxsackie, N.Y. 12051	Do.
Do	Herkimer	Manheim, town of	H 36 043 1560 01 through H 36 043 1560 03	do	Town Supervisor, 41 North Main, Dolgeville, N.Y. 13329.	Do.
Do	do	Herkimer, town of.	H 36 043 2610 01 through H 36 043 2610 03	do	Town Supervisor, 506 North Main St., Herkimer, N.Y. 13350.	Do.
Do	do	Little Falls, city of.	H 36 043 3290 01 through H 36 043 3290 02	do	Mayor, 94 Church St., Little Falls, N.Y. 13365.	Do.
Do	do	Poland, village of	H 36 043 4900 01	do	Mayor, Village of Poland, N.Y. 13431	Do.
Do	Livingstone	Livonia, town of	H 36 051 3321 01 through H 36 051 3321 11	do	Town Hall, Town of Livonia, Livonia, N.Y. 14487.	Do.
Do	Madison	Morrisville, village of.	H 36 053 3910 01	do	Mayor, Municipal Bldg., Morrisville, N.Y. 13408.	Do.
Do	Monroe	Hilton, village of	H 36 055 2710 01	do	Mayor, Village of Hilton, N.Y. 14468	Do.
Do	do	Riga, town of	H 36 055 5196 01 through H 36 055 5196 13	do	Town Board, Town Hall, 8 South Main St., Churchville, N.Y. 14428.	Do.
Do	Monroe	Rush, town of	H 36 055 5327 01 through H 36 055 5327 09	do	Rush Town Hall, 5977 East Henrietta Rd., Rush, N.Y. 14543.	Do.
Do	do	Scottsville, village of.	H 36 055 5600 01	do	Mayor, Village of Scottsville, N.Y. 14546.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Montgomery	Hogaman, village of.	H 36 057 2470 01	do	Mayor, Hogaman, N.Y. 12086	Do.
Do	Nassau	Hewlett Harbor, village of.	H 36 059 2660 01	do	Village Hall, 449 Pepperidge Rd., Hewlett Harbor, N.Y. 11557.	Do.
Do	do	Mill Neck, village of.	H 36 059 3780 01 through H 36 059 3780 02	do	Mayor, Village Hall, Box 351, Mill Neck, N.Y. 11765.	Do.
Do	Oneida	Sherrill, city of	H 36 065 5670 01	do	Mayor, City Hall, Sherrill, N.Y. 13561.	Do.
Do	do	Vernon, village of.	H 36 065 6270 01	do	Mayor, Village Hall, Vernon, N.Y. 13476.	Do.
Do	Orange	Cornwall, village of.	H 36 071 1370 01 through H 36 071 1370 05	do	Village Clerk, Cornwall, Village of Cornwall, N.Y. 12518.	Do.
Do	do	Harriman, village of.	H 36 071 2550 01 through H 36 071 2550 03	do	Mayor, Village Hall, Main St., Harriman, N.Y. 10926.	Do.
Do	do	Walden, village of.	H 36 071 6340 01 through H 36 071 6340 04	do	Mayor, Municipal Bldg., Walnut and Orchard, Walden, N.Y. 12549.	Do.
Do	Putnam	Cold Spring, village of.	H 36 079 1280 01	do	Mayor, Village Hall, Cold Spring, N.Y. 10516.	Do.
Do	St. Lawrence	Massena, village of.	H 36 089 3580 01 through H 36 089 3580 02	do	Town Hall, Massena, N.Y. 13662	Do.
Do	do	Potsdam, village of.	H 36 089 5020 01 through H 36 089 5020 02	do	Mayor, Civic Center, Potsdam, N.Y. 13676.	Do.
Do	Sullivan	Liberty, village of.	H 36 105 3230 01 through H 36 105 3230 03	do	Village Clerk's Office, Village of Liberty, Muncipal Bldg., North Main St., Liberty, N.Y. 12754.	Do.
North Carolina	Buncombe	Black Mountain, city of.	H 37 021 0490 01 through H 37 021 0490 06	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Black Mountain, N.C. 28711	Do.
Do	Cherokee	Andrews, city of	H 37 039 0880 01 through H 37 039 0880 02	do	Mayor, City of Andrews, N.C. 28901	Do.
Do	do	Murphy, city of	H 37 039 3230 01 through H 37 039 3230 05	do	Mayor, City of Murphy, N.C. 28906	Do.
Do	Columbus	Bolton, town of	H 37 047 0550 01	do	Mayor, City Hall, Bolton, N.C. 28423	Do.
Do	Halifax	Roanoke Rapids, city of.	H 37 083 3860 01 through H 37 083 3860 03	do	City Hall, 644 Roanoke Ave., P.O. Box 38, Roanoke Rapids, N.C. 27870.	Do.
Do	Haywood	Hazelwood, city of.	H 37 087 2110 01 through H 37 087 2110 02	do	Building Inspector, Hazelwood, N.C. 28738.	Do
Do	do	Waynesville, city of.	H 37 087 4900 01 through H 37 087 4900 08	do	Building Inspector, Waynesville, N.C. 28786.	Do.
Do	Jackson	Dillsboro, city of	H 37 099 1260 01	do	Mayor, Dillsboro, N.C. 28725	Do.
Do	do	Sylva, city of	H 37 099 4540 01 through H 37 099 4540 04	do	Mayor, Sylva, N.C. 28779	Do.
Do	Rowan	Granite Quarry, town of.	H 37 159 1930 01	do	Mayor, Town Hall, Granite Quarry, N.C. 28072.	Do.
Do	do	Rockwell, town of.	H 37 159 3920 01	do	Mayor, Town Hall, Rockwell, N.C. 28138.	Do.
Do	Wake	Wendell, town of	H 37 183 4940 01	do	Town Manager, Town of Wendell, Wendell, N.C. 27591.	Do.
Do	do	Zebulon, town of	H 37 183 5230 01	do	Mayor, Zebulon, N.C. 27597	Do.
Do	Yancey	Burnsville, city of	H 37 199 0710 01 through H 37 199 0710 02	do	Mayor, City of Burnsville, Burnsville, N.C. 28714.	Do.
North Dakota	Benson	Maddock, city of	H 38 005 1970 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Maddock, N. Dak. 58348.	Do.
Do	Rolette	Rolette, city of	H 38 079 2720 01	do	Mayor, Rolette, N. Dak. 58366	Do.
Do	Sioux	Fort Yates, city of.	H 38 085 1125 01	do	Mayor, Town Board, Bureau of Indian Affairs, Fort Yates, N. Dak. 58538.	Do.
Oklahoma	Oklahoma	Del City, of	H 40 109 1300 01 through H 40 109 1300 03	Oklahoma Water Resources Board, 2241 NW. 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Del City Municipal Bldg., 2800 Epperly Dr., Del City, Okla. 73115.	Do.
Oregon	Linn	Lyons, city of	H 41 043 1256 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	Mayor, City Hall, Lyons, Oreg. 97358.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Allegheny	Coraopolis, Borough of.	H 42 003 1680 01 through H 42 003 1680 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Councilman, Coraopolis Municipal Bldg., 5th Ave., Coraopolis, Pa. 15107.	Do.
Do	do	Oakmont, borough of.	H 42 003 6190 01 through H 42 003 6190 02	do	Mayor, 5th and Virginia Ave., Oakmont, Pa. 15139.	Do.
Do	do	Pittsburgh, city of.	H 42 003 6600 01 through H 42 003 6600 18	do	City of Pittsburgh, 417 City-County Bldg., Pittsburgh, Pa. 15219.	Do.
Do	Beaver	Hopewell, township of.	H 42 007 3729 01 through H 42 007 3729 03	do	Board of Supervisors, Municipal Bldg., Aliquippa, Pa. 15001.	Do.
Do	Bucks	Sellersville, borough of.	H 42 017 7480 01 through H 42 017 7480 03	do	Borough of Sellersville, Municipal Bldg., 140 East Church St., Sellersville, Pa. 18960.	Do.
Do	Clearfield	Westover, borough of.	H 42 033 9210 01 through H 42 033 9210 04	do	Mayor, Westover, Pa. 16692	Do.
Do	Lancaster	Lititz, borough of.	H 42 071 4520 01 through H 42 071 4520 02	do	Borough Manager, Borough Office, 7 South Broad St., Lititz, Pa. 17543.	Do.
Do	Luzerne	Lehman, township of.	H 42 079 4384 01 through H 42 079 4384 06	do	Office of Township Secretary, Rural Delivery No. 4, Dallas, Pa. 18612.	Do.
Do	do	Wright, township of.	H 42 079 9494 01 through H 42 079 9494 06	do	Wright Township Municipal Bldg., 320 Mountain Blvd., Mountain Top, Pa. 18707.	Do.
Do	Northumberland	Watson Town, borough of.	H 42 097 8900 01	do	Municipal Bldg., 4th and Main St., P.O. Box 273, Watson Town, Pa. 17777.	Do.
Do	Tioga	Elkland, borough of.	H 42 117 2550 01	do	Mr. Kenneth E. Young, Borough of Elkland, 103 Parkhurst St., Elkland, Pa. 16920.	Do.
Do	do	Lawrence, township of.	H 42 117 4334 01 through H 42 117 4334 10	do	Lawrence Township Supervisor, Township Bldg., Rural Delivery 32, Tioga, Pa. 16946.	Do.
Tennessee	Bedford	Shelbyville, city of.	H 47 003 2200 01 through H 47 003 2200 08	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor of Shelbyville, City Hall, Shelbyville, Tenn. 37160.	Do.
Do	Bledsoe	Savannah, city of.	H 47 077 2140 01 through H 47 077 2140 06	do	Mayor, City Hall, Savannah, Tenn. 38372.	Do.
Do	Loudon	Philadelphia, city of.	H 47 105 1944 01 through H 47 105 1944 03	do	County Judge, City of Philadelphia, Loudon, Tenn. 37774.	Do.
Do	McMinn	Calhoun, city of.	H 47 107 0327 01 through H 47 107 0327 03	do	Mayor, City Hall, Calhoun, Tenn. 37309.	Do.
Do	Monroe	Tellico Plains, city of.	H 47 123 2380 01 through H 47 123 2380 02	do	Mayor, City Hall, Tellico Plains, Tenn. 37385.	Do.
Do	Moore	Lynchburg, city of.	H 47 127 1470 01 through H 47 127 1470 03	do	Bobbye Murray, Mayor, Box D, Lynchburg, Tenn. 37352.	Do.
Do	Rhea	Graysville, city of.	H 47 143 0990 01 through H 47 143 0990 02	do	Mayor, City Hall, Graysville, Tenn. 37338.	Do.
Do	Roane	Kingston, city of.	H 47 145 1290 01 through H 47 145 1290 05	do	Mayor, City Hall, Kingston, Tenn. 37763.	Do.
Do	Sullivan	Bristol, city of.	H 47 163 0290 01 through H 47 163 0290 09	do	City Manager, City Hall, Bristol, Tenn. 37620.	Do.
Do	do	Kingsport, city of.	H 47 163 1280 01 through H 47 163 1280 09	do	Mayor, City Hall, Kingsport, Tenn. 37662.	Do.
Texas	Bell	Belton, city of.	H 48 027 0570 01 through H 48 027 0570 07	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 333 E Ave. A, Belton, Tex. 76513.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Bexar	Universal City, city of.	H 48 029 7077 01 through H 48 029 7077 06	do	City Municipal Bldg., 100 Northview Dr., Universal City, Tex. 78148.	Do.
Do.	Dallas	Balch Springs, city of.	H 48 113 0387 01 through H 48 113 0387 05	do	Mayor, 3117 Hickory Tree Rd., Balch Springs, Tex. 75149.	Do.
Do.	do	Coppell, city of.	H 48 113 1539 01 through H 48 113 1539 04	do	Mayor, P.O. Box 478, Coppell, Tex. 75019.	Do.
Do.	Hunt	Commerce, city of.	H 48 231 1490 01 through H 48 231 1490 04	do	Manager, City Bldg., Commerce, Tex. 75428.	Do.
Do.	Kaufman	Crandall, city of.	H 48 257 1590 01 through H 48 257 1590 02	do	Mayor, City Hall, Crandall, Tex. 75114.	Do.
Do.	Liberty	Cleveland, city of.	H 48 291 1380 01 through H 48 291 1380 04	do	City Manager, City of Cleveland, Cleveland, Tex. 77327.	Do.
Do.	Parker	Weatherford, city of.	H 48 367 7280 01 through H 48 367 7280 06	do	Mayor, Weatherford, Tex. 76086.	Do.
Do.	Rusk	Henderson, city of.	H 48 401 3120 01 through H 48 401 3120 04	do	Mayor, Henderson, Tex. 75652.	Do.
Do.	Tarrant	Azle, city of.	H 48 439 0364 01 through H 48 439 0364 09	do	Mayor, 200 West Main, Azle, Tex. 76020.	Do.
Do.	do	Saginaw, city of.	H 48 439 6060 01 through H 48 439 6060 05	do	Mayor, P.O. Drawer 70, Saginaw, Tex. 76079.	Do.
Do.	do	Watauga, town of.	H 48 439 7258 01 through H 48 439 7258 06	do	Mayor, Town of Watauga, 5909 Maurie Ct., Watauga, Tex. 76146.	Do.
Do.	do	Westworth Village, village of.	H 48 439 7400 01 through H 48 439 7400 02	do	Mayor, City Hall, Westworth Village, Tex.	Do.
Do.	Williamson	Georgetown, city of.	H 48 491 2620 01 through H 48 491 2620 02	do	Mayor, City Hall, Georgetown, Tex. 78626.	Do.
Do.	Wilson	Floresville, city of.	H 48 493 2390 01 through H 48 493 2390 05	do	Mayor, City of Floresville, P.O. Box 845, Floresville, Tex. 78114.	Do.
Virginia	Scott	Clinchport, city of.	H 51 169 0570 01 through H 51 169 0570 02	Bureau of Water Control Management, State Water Control Board, 2d Floor Davenport Bldg., 11 South 10 St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Scott County Board of Supervisors, City of Clinchport, Clinchport, Va. 24251.	Do.
Do.	do	Duffield, city of.	H 51 169 0800 01 through H 51 169 0800 02	do	Mayor, City Hall, Duffield, Va. 24244.	Do.
Do.	Washington	Damascus, city of.	H 51 191 0700 01 through H 51 191 0700 03	do	Mayor, Town Hall, Damascus, Va. 24236.	Do.
Do.	Independent City.	Bristol, city of.	H 51 520 0300 01 through H 51 520 0300 07	do	City Manager, City of Bristol, 497 Cumberland St., Bristol, Va. 24201.	Do.
Washington	Snohomish	Snohomish, city of.	H 53 061 2030 01 through H 53 061 2030 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Manager, City Hall, Snohomish, Wash. 98290.	Do.
West Virginia	Harrison	Lumberport, town of.	H 54 033 1530 01	Office of Federal, State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Building, Lumberport, W. Va. 26386.	Do.
Do.	Kanawha	Cedar Grove, town of.	H 54 039 0450 01	do	Mayor, City Hall, Cedar Grove, W. Va. 25315.	Do.
Do.	do	Glasgow, town of.	H 54 039 1010 01	do	Mayor, City Hall, Glasgow, W. Va. 25067.	Do.
Do.	do	Pratt, town of.	H 54 039 2170 01	do	Mayor, City Hall, Pratt, W. Va. 25162.	Do.
Do.	do	St. Albans, city of.	H 54 039 2370 01	do	Mayor, City Hall, St. Albans, W. Va. 25177.	Do.
Wisconsin	Calumet	Brillion, city of.	H 55 015 0680 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Mayor, City Hall, Brillion, Wis. 54110.	Do.
Do.	Dane	Madison, city of.	H 55 025 2780 01 through H 55 025 2780 23	do	Mayor, 210 Monona Ave., Madison, Wis. 53709.	Do.
Wyoming	Natrona	Casper, city of.	H 56 025 0090 01 through H 56 025 0090 06	Wyoming Disaster and Civil P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	City Engineer's Office, City of Casper, Casper, Wyo. 82601.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-5790 Filed 3-14-74;8:45 am]

[No. 74-197]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity Requirements

MARCH 11, 1974.

Section 4 of the Federal Financing Bank Act of 1973 (P.L. 93-234; December 29, 1973) created the Federal Financing Bank and designated said Bank as an "instrumentality" of the United States. Section 5A(b) of the Federal Home Loan Bank Act, as amended, authorizes the Federal Home Loan Bank Board to set a liquidity requirement (within specified limits) for institutions which are members of the Federal Home Loan Bank System and lists certain types of assets which the Board may authorize member institutions to use in fulfilling said liquidity requirement. Among the types of assets which the Board may authorize member institutions to use for liquidity purposes are "obligations * * * of the United States, a State, any territory or possession of the United States, or a political subdivision, agency or instrumentality of any one or more of the foregoing * * *" Since the Federal Financing Bank is an instrumentality of the United States, the Board considers it appropriate to authorize member institutions to use obligations of said Bank to meet the liquidity requirements set forth in § 523.11 of the rules and regulations for the Federal Home Loan Bank System.

Accordingly, the Federal Home Loan Bank Board hereby amends paragraph (g)(3) of § 523.10 of the rules and regulations for the Federal Home Loan Bank System by revising subdivision (vii) and (ix) thereof and by adding a new subdivision (x) thereto, to read as set forth below, effective March 15, 1974.

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reasons, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

§ 523.10 Definitions.

* * * * *

(g) * * *

(3) * * *

(viii) The Export-Import Bank of the United States,

(ix) The Commodity Credit Corporation, or

(x) The Federal Financing Bank.

* * * * *

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425a, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 107)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-6064 Filed 3-14-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-19]

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

Realignment of VOR Federal Airway; Extension of Effective Date

On December 21, 1973, FR Doc. 73-26897 was published in the FEDERAL REGISTER (38 FR 34990) changing the effective date for the commissioning of the relocated Monroe, La., VORTAC from February 28, 1974, to May 23, 1974. Due to persistent technical and engineering problems encountered by this relocation, the commissioning date for the Monroe VORTAC and the realignment of the associated VOR Federal Airways is further delayed to July 18, 1974. Action is taken herein to reflect the revised commissioning date.

Since this amendment is minor in nature and one upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective March 15, 1974, FR Doc. 73-26897 is amended, as hereinafter set forth.

"effective 0901 G.m.t., May 23, 1974" is deleted and "effective 0901 G.m.t., July 18, 1974" is stubstituted therefor.

(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 March 11, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-5679 Filed 3-14-74;8:45 am]

[Airspace Docket No. 73-SO-74]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On December 10, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 33995) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the Camp LeJeune/New Bern/Fayetteville/Wilmington area, and in the coastal region adjacent to Jacksonville and Beaufort-Morehead City, N.C. The restricted areas would be used to contain a joint military exercise "Solid Shield 74" to be conducted from May 26 through June 8, 1974. Those areas containing airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

On January 3, 1974, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 821) stating that the original notice would be altered by reducing the time of designation proposed for Restricted Area R-5309D and by raising the upper altitude limit proposed for Restricted Areas R-5309G, H, I, J. The supplemental notice also proposed that an additional Restricted Area, R-5309K, be designated for use during "Solid Shield 74."

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received.

A representative of the North Carolina Department of Natural and Economic Resources commented that North Carolina Forest Service aircraft must operate within the temporary restricted areas during "Solid Shield 74" for forest fire detection and suppression. He therefore suggested that all agencies concerned meet to establish mutually acceptable operating procedures. As a result, a meeting of representatives from the Atlantic Command and the North Carolina Forest Service was held and procedures for coordinating their use of the airspace were developed.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.151 (39 FR 343) the following temporary restricted areas are included for the duration of their time of designation from May 26, 1974, through June 6, 1974.

1. R-5309G Solid Shield 74, N.C.
2. R-5309H Solid Shield 74, N.C.
3. R-5309I Solid Shield 74, N.C.
4. R-5309J Solid Shield 74, N.C.

In § 73.53 (39 FR 681) the following temporary restricted areas are added:

1. R-5309A Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; thence SW along the boundary of R-5306B, R-5306C, and R-5306D to Lat. 34°42'00" N., Long. 77°17'30" W.; thence counterclockwise along connecting arcs of 8.5-mile radius circles centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) and the Albert J. Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.); to Lat. 34°55'30" N., Long. 77°42'00" W.; to Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.;

thence counterclockwise along an arc of an 8.5-mile radius circle centered on Stallings Field (Lat. 35°19'40" N., Long. 77°36'55" W.); to Lat. 35°15'00" N., Long. 77°30'00" W.; thence to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. Continuous, May 26–June 8, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

2. R–5309B Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 34°55'30" N., Long. 77°42'00" W.; thence clockwise along the arc of an 8.5-mile radius circle centered on the Albert J. Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.); to Lat. 34°49'50" N., Long. 77°27'45" W.; thence south to Lat. 34°34'00" N., Long. 77°43'40" W.; to Lat. 34°36'30" N., Long. 77°49'30" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; thence to point of beginning.

Designated altitudes. From 5,000 to and including 10,000 feet MSL, May 26–30, 1974, inclusive, and surface to and including 10,000 feet MSL, May 31–June 6, 1974, inclusive.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

3. R–5309C Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°49'50" N., Long. 77°27'45" W.; thence E along the arc of an 8.5-mile radius circle centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.); to Lat. 34°42'00" N., Long. 77°17'30" W.; thence along the westerly and southerly boundaries of R–5306D and R–5306E and the westerly boundary of W–122 to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°27'00" N., Long. 77°30'30" W.; to Lat. 34°34'00" N., Long. 77°43'40" W.; thence to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. Continuous, May 26–June 8, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

4. R–5309D Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 35°12'00" N., Long. 77°58'30" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 35°02'00" N., Long. 78°40'00" W.; to Lat. 35°11'00" N., Long. 78°40'00" W.; thence to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

5. R–5309E Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°49'20" N., Long. 78°07'20" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°24'00" N., Long. 78°42'30" W.; to Lat. 34°50'30" N., Long. 78°46'00" W.; to Lat. 34°53'45" N., Long. 78°42'00" W.; thence to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

6. R–5309F Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°10'00" N., Long. 78°41'00" W.; to Lat. 34°24'00" N., Long. 78°42'30" W.; thence to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

7. R–5309G Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°41'30" W.; thence W along the N boundary of W–122 to Lat. 34°37'30" N., Long. 76°56'00" W.; thence N and E along the boundary of R–5306C and R–5306B to point of beginning.

Designated altitudes. From 1,000 to and including 18,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

8. R–5309H Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 35°12'00" N., Long. 77°58'30" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°10'00" N., Long. 78°41'00" W.; to Lat. 34°51'10" N., Long. 78°46'00" W.; thence clockwise along a 10-nautical mile radius circle centered on the Fayetteville Municipal Airport (Lat. 34°-59'22" N., Long. 78°52'52" W.) to Lat. 35°00'00" N., Long. 79°05'00" W.; to Lat. 35°02'30" N., Long. 79°05'30" W.; thence N along the E boundary of R–5311A to Lat. 35°10'30" N., Long. 79°01'00" W.; to Lat. 35°11'00" N., Long. 78°40'00" W.; thence to point of beginning.

Designated altitudes. From 10,000 to and including 18,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

9. R–5309I Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 35°12'15" N., Long. 77°35'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 34°22'00" N., Long. 77°47'30" W.; thence counterclockwise along the Wilmington, N.C., 8.5-mile transition area; to Lat. 34°20'00" N., Long. 78°01'30" W.; to Lat. 34°09'00" N., Long. 78°20'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 35°12'00" N., Long. 77°58'30" W.; thence to point of beginning.

Designated altitudes. From 10,000 to and including 18,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

10. R–5309J Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 35°23'00" N., Long. 76°34'30" W.; thence southerly along the W boundaries of R–5306A, R–5306B, R–5306C, and R–5306D to Lat. 34°39'10" N., Long. 77°20'50" W.; to Lat. 34°40'20" N., Long. 77°22'12" W.; to Lat. 34°38'12" N., Long. 77°26'00" W.; to Lat. 34°36'05" N., Long. 77°26'08" W.; to Lat. 34°33'00" N., Long. 77°19'00" W.; to Lat. 34°30'20" N., Long. 77°15'50" W.; thence southerly along the W boundary of W–122 to Lat. 34°05'00" N., Long. 77°43'00" W.; to Lat. 34°12'30" N., Long. 77°46'30" W.; thence counterclockwise along the Wilmington, N.C., 8.5-mile transition area; to Lat. 34°22'00" N., Long. 77°47'30" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; thence counterclockwise along the Kinston, N.C., 8.5-mile transition area; to Lat. 35°20'00" N., Long. 77°27'30" W.; to Lat. 35°32'30" N., Long. 77°09'00" W.; thence to point of beginning.

Designated altitudes. From 10,000 to and including 18,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

11. R–5309K Solid Shield 74, N.C.

Boundaries. Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°51'40" N., Long. 76°56'40" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; thence to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous, May 26–June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

(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 March 8, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–5978 Filed 3–14–74;8:45 am]

[Airspace Docket No. 74–RM–3]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R–6409, Green River, Utah.

The United States Air Force has advised the Federal Aviation Administration that the requirement for restricted airspace R–6409 is no longer valid.

Since this amendment returns the airspace to public use and is a minor amendment upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. In order to make this airspace available for public use at the earliest possible date, good cause exists

for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 15, 1974, as hereinafter set forth.

§ 73.64 (39 FR 688) is amended as follows:

"R–6409 Green River, Utah" is deleted.

(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 March 8, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–5977 Filed 3–14–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–89]

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Petroleum and Petroleum Products; Information on Entry

On November 23, 1973, a notice of proposed rulemaking to amend § 151.41 of the Customs Regulations (19 CFR 151.41) was published in the FEDERAL REGISTER (83 FR 32262). It was proposed to require that American Society for Testing and Materials Petroleum Measurement Table No. 6, rather than Table No. 7, be used in computing the information which importers are required to show on the entry for petroleum or petroleum products in bulk. Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposed amendment to the regulations. One favorable comment was received, and no changes in the proposed amendment were deemed necessary.

Accordingly, § 151.41 of the Customs Regulations is amended to read as follows:

§ 151.41 Information on entry.

On the entry for petroleum or a petroleum product in bulk, the importer shall show the API gravity at 60° Fahrenheit, in accordance with the ASTM–IP Petroleum Measurement Tables (American Edition), published by the American Society for Testing and Materials. The unabridged Table (Table No. 6) shall be used in the reduction of volume to 60° F. If the exact quantity cannot be determined in advance, entry may be made for "------ United States gallons, more or less." The information required by this section shall also be shown on the permit and summary sheet.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Effective date. This amendment shall become effective April 15, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 7, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74–6042 Filed 3–14–74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

References to Recodified Material

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

The fourth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration appears elsewhere in this issue of the FEDERAL REGISTER (39 FR 10054). Regulations for the packaging and labeling of cosmetics formerly under Part 1 of Subchapter A, and regulations setting forth statements of policy and interpretation for cosmetics formerly under Part 3 of Subchapter A, together with former Subchapter D—Cosmetics, have been reorganized into a new Subchapter G—Cosmetics in an effort to provide greater clarity and convenience to the user.

Regulations formerly listed under 21 CFR Part 1, which have been recodified as part of the new Subchapter G—Cosmetics, are referenced in § 1.1(c). The Commissioner concludes that the references to recodified material under § 1.1 (c) should be revised at this time to conform to the new section numbers established by the recodification order. Therefore, § 1.1(c) is revised to read as follows:

§ 1.1 General.

* * * * *

(c) The definition of "package" in § 1.1b and of "principal display panel" in §§ 1.7, 1.101a, and 701.10; and the requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in §§ 1.8b (f), 1.102d(e), and 701.13(f) to type size requirements for net quantity declaration in §§ 1.8b(i), 1.102(h), and 701.13(l), to initial statement of ounces in the dual declaration of net quantity in §§ 1.8b (j) and (m), 1.102d (i) and (k), and 701.13 (j) and (m), to initial statement of inches in declaration of net quantity in §§ 1.102d(m) and 701.13(o), to initial statement of square inches in declaration of net quantity in §§ 1.102d(n) and 701.13(p) to prohibition of certain supplemental net quantity statements in §§ 1.8b(o), 1.102d(o), and 701.13(q), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act. The other requirements of this part are issued under both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act, or by the latter act solely, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: March 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–5516 Filed 3–14–74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Dialifor

A petition (FAP 3H5020) was filed by Hercules Inc., Wilmington, DE 19899, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorothioate in dried apple pomace at 26 parts per million, dried grape pomace and raisin waste at 15 parts per million, and raisins at 6 parts per million.

Subsequently, the petitioner amended the petition by (a) increasing the proposed tolerances of 26 parts per million for residues in dried apple pomace and 15 parts per million in dried grape pomace to 40 parts per million and 20 parts per million, respectively, and (b) reducing the proposed tolerances of 15 parts per million for residues in raisin waste and 6 parts per million in raisins to 10 parts per million and 2 parts per million, respectively. (For a related document, see this issue of the FEDERAL REGISTER, page 9964).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406,

408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1) and (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1) and (4)), 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), Part 121 is amended as follows:

1. By revising § 121.342 in Subpart C to read as follows:

§ 121.342 Dialifor.

Tolerances are established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *0,0*-diethyl phosphorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl) *0,0*-diethyl phosphorothioate in or on the following processed foods when present therein as a result of application to growing apples, citrus, and grapes:

40 parts per million in dried apple pomace.

20 parts per million in dried grape pomace.

15 parts per million in dried citrus pulp.

10 parts per million in or on raisin waste.

2. By adding the following new section to Subpart D:

§ 121.1234 Dialifor.

A tolerance of 2 parts per million is established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl *O,O*-diethyl phosphorothioate in or on raisins from application of the insecticide to the growing raw agricultural commodity grapes.

Any person who will be adversely affected by the foregoing order may at any time on or before April 15, 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 quintruplicate. 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 March 15, 1974.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: March 12, 1974.

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

[FR Doc.74-6050 Filed 3-14-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

3-NITRO-4-HYDROXYPHENYLARSONIC ACID

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-953V) filed by Hess & Clark, Division of Rhodia, Inc., Ashland, OH 44805, proposing the safe and effective use of a premix containing 10 percent of 3-nitro-4-hydroxyphenylarsonic acid for the manufacture of feed for broiler chickens. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) in accordance with § 3.517 and under authority delegated to the Commissioner (21 CFR 2.120), § 121.262(c) is amended by adding a new paragraph (e) as follows:

§ 121.262 3-nitro-4-hydroxyphenylarsonic acid.

* * * * *

(e) *Approvals.* Premix level of 10 percent of 3-nitro-4-hydroxyphenylarsonic acid granted to code No. 019 in § 135.501 (c) of this chapter.

Effective date. This order shall be effective on March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6133 Filed 3-14-74;8:45 am]

SUBCHAPTER C—DRUGS

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

Fenthion

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-138V) filed by Chemagro, Division of Baychem Corp., P.O. Box 4913, Kansas City, MO 64120, proposing the safe and effective use of fenthion 20 percent solution for the control of grubs in cattle. The application is approved.

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

§ 135a.7 Fenthion.

(a) *Chemical name.* O,O-Dimethyl O-[4-(methylthio)-*m*-tolyl] phosphorothioate.

(b) *Specifications* (1) The drug is in a liquid form containing 3 percent of fenthion.

(2) *Sponsor.* See code No. 007 in § 135.501(c) of this chapter.

(3) *Special considerations.* Do not use on animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(4) *Related tolerances.* See 40 CFR 180.214.

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

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

(c) *Specifications.* (1) The drug is in a liquid form containing 20 percent fenthion.

(2) *Sponsor.* See code No. 007 in § 135.501(c) of this chapter.

(3) *Special considerations.* Do not use on animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(4) *Related tolerances.* See 40 CFR 180.214.

(5) *Conditions of use.* (i) The drug is applied using an automatic syringe for the control of grubs in beef and nonlactating dairy cattle.

(ii) It is used on the backline of the animals at the following rate per animal:

Weight range	*Dosage*
150–300 lbs	4 ml.
301–600 lbs	8 ml.
601–900 lbs	12 ml.
901–1,200 lbs	16 ml.
1,201 lbs. and above	20 ml.

Only one application should be made per season, and it should be made as soon as

possible after heelfly activity has ceased and at least 6 weeks prior to appearance of grubs in the back. Do not slaughter within 45 days of treatment. Do not treat dairy cattle of breeding age; calves less than 3 months old; or sick, convalescent, or severely stressed livestock. Do not treat cattle for 10 days before or after shipping, weaning, or dehorning or after exposure to contagious or infectious diseases.

Effective date. This order shall be effective March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6130 Filed 3-14-74;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-516V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing the safe and effective use of phenylbutazone injection for the treatment of horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.47 by adding a new paragraph (h) as follows:

§ 135b.47 Phenylbutazone injection.

* * * * *

(h) (1) *Specifications.* Phenylbutazone injection contains 200 milligrams of phenylbutazone (as sodium salt) in each milliliter of sterile aqueous solution.

(2) *Sponsor.* See code No. .059 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used for relief of inflammatory conditions associated with the musculoskeletal system in horses.

(ii) It is administered intravenously to horses at a dosage level of 1 to 2 grams per 1,000 pounds of body weight per day for a maximum of 5 successive days.

(iii) Not for use in horses intended for food.

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

Effective date. This order shall be effective on March 15, 1974.

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

Dated: March 13, 1974.

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

[FR Doc.74-6132 Filed 3-14-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Tetracycline Oral Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-060V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing revised labeling for safe and effective use of tetracycline in oral liquid form for dogs and cats. The supplemental application is approved.

The present regulation covering tetracycline oral veterinary (21 CFR 135c.34), which has five tables listing various forms of the drug, is being revoked; and the various forms of the drug are being set forth in five new sections established to simplify the regulations. This recodification does not constitute an affirmation that the conditions of use specified are in accord with the recommendations of the NAS/NRC Drug Efficacy Study Group.

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

§ 135c.34 [Revoked]

1. By revoking § 135c.34 *Tetracycline oral veterinary* and reserving it for future use.

2. By adding the following new §§ 135c.121, 135c.122, 135c.123, 135c.124 and 135c.125:

§ 135c.121 Tetracycline soluble powder, veterinary.

(a) *Specifications.* Tetracycline soluble powder, veterinary, conforms to the standards of identity, strength, quality, and purity prescribed by § 146c.205 of this chapter.

(b) *Sponsor.* See § 135.501(c) of this chapter for identification of the sponsors as listed in paragraph (e) of this section.

(c) *Special considerations.* The quantity of tetracycline in paragraph (e) of this section refers to the activity of tetracycline hydrochloride.

(d) *Related tolerances.* See § 135g.72 of this chapter.

(e) *Conditions of use.* It is used as follows:

	Amount	Sponsor	Limitations	Indications for use
	Milligrams per day			
Tetracycline	52	030, 037	For newborn pigs; as tetracycline hydrochloride in water or milk; administer for not more than 3 days; do not slaughter animals for food purposes within 4 days of treatment; prepare a fresh solution daily; as sole source of tetracycline.	For treatment of bacterial enteritis and bacterial pneumonia.
	Milligrams per gallon			
Do	100-200	030, 037	For swine; as tetracycline hydrochloride in drinking water; do not slaughter animals for food purposes within 4 days of treatment; prepare a fresh solution daily; as sole source of tetracycline.	As an aid in prevention of bacterial enteritis.
Do	200-400	030, 037	do	As an aid in prevention of bacterial pneumonia; for treatment of bacterial enteritis.
Do	400	030, 037	do	For treatment of bacterial pneumonia.
Do	100-200	030, 037	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare a fresh solution daily; as sole source of tetracycline.	As an aid in prevention of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorrhagic septicemia).
Do	200-400	030, 037	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare fresh solution daily; as sole source of tetracycline.	For treatment of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorrhagic septicemia).
Do	100-200	030, 037	For turkeys and chickens; as tetracycline hydrochloride in drinking water; administer for not more than 21 days; do not slaughter birds for food within 4 days of treatment; not for use in chickens and turkeys producing eggs for human consumption; prepare fresh solution daily; as sole source of tetracycline.	As an aid in prevention of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.
Do	200-400	030, 037	do	For treatment of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.

§ 135c.122 Tetracycline boluses, veterinary.

(a) *Specifications.* Tetracycline boluses, veterinary, conform to the standards of identify, strength, quality, and purity prescribed by § 146c.207 of this chapter.

(b) *Sponsor.* See § 135.501(c) of this chapter for identification of the sponsors as listed in paragraph (e) of this section.

(c) *Special considerations.* The quantity of tetracycline in paragraph (e) of this section refers to the activity of tetracycline hydrochloride.

(d) *Related tolerances.* See § 135g.72 of this chapter.

(e) *Conditions of use.* It is used as follows:

	Milligrams per bolus	Sponsor	Limitations	Indications for use
Tetracycline	500	030, 037	For calves; as tetracycline hydrochloride; administer orally 10 mg/lb of body weight per day divided into 2 daily doses for not more than 5 days; do not slaughter animals for food within 12 days of treatment; as sole source of tetracycline; for use by or on the order of a licensed veterinarian.	For treatment of pneumonia, shipping fever, and pneumoenteritis.
Do	500	030, 037	For sheep; as tetracycline hydrochloride; administer orally 10 mg/lb of body weight per day divided into 2 daily doses for not more than 4 days; do not slaughter animals for food within 5 days of treatment; as sole source of tetracycline.	For treatment of pneumonia, shipping fever, pneumoenteritis complex, and bacterial enteritis (scours).
Do	500	037	For calves; as tetracycline hydrochloride; administer orally 10 mg/lb of body weight per day divided into 2 daily doses for not more than 5 days; do not slaughter animals for food within 12 days of treatment; as sole source of tetracycline. Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of bacterial pneumonia caused by organisms susceptible to tetracycline, and bacterial enteritis caused by *E. coli* and salmonella organisms susceptible to tetracycline.

§ 135c.123 Tetracycline capsules, veterinary.

(a) *Specifications.* Tetracycline capsules, veterinary, conform to the standards of identity, strength, quality, and purity prescribed by § 146c.204 of this chapter.

(b) *Sponsor.* See § 135.501(c) of this chapter for identification of the sponsors as listed in paragraph (e) of this section.

(c) *Special considerations.* The quantity of tetracycline in paragraph (e) of this section refers to the activity of tetracycline hydrochloride.

(d) [Reserved]

(e) *Conditions of use.* It is used as follows:

	Milligrams per capsule	Sponsor	Limitations	Indications for use
Tetracycline	250	035, 037	For dogs; as tetracycline hydrochloride; administer orally 25 mg/lb. of body weight per day given in divided doses every 6 hours; treatment should be continued until symptoms of the disease have subsided and the temperature is normal for 48 hours; not for use in animals which are raised for food production; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms sensitive to tetracycline hydrochloride, such as bacterial gastroenteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli.*
Do	125, 250, or 500.	071	do	Do.

§ 135c.124 Tetracycline tablets, veterinary.

(a) *Specifications.* Tetracycline tablets, veterinary, conform to the standards of identity, strength, quality, and purity prescribed by § 146c.207 of this chapter.

(b) *Sponsor.* See § 135.501(c) of this chapter for identification of the sponsors as listed in paragraph (e) of this section.

(c) *Special considerations.* The quantity of tetracycline in paragraph (e) of this section refers to the activity of tetracycline hydrochloride.

(d) [Reserved]

(e) *Conditions of use.* It is used as follows:

	Milligrams per tablet	Sponsor	Limitations	Indications for use
Tetracycline	100, 250, or 500.	071	For dogs; as tetracycline hydrochloride; administer orally 25 mg/lb of body weight per day given in divided doses every 6 hours; treatment should be continued until symptoms of the disease have subsided and the temperature is normal for 48 hours; not for use in animals which are raised for food production; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms sensitive to tetracycline hydrochloride, such as bacterial gastro-enteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli.*

§ 135c.125 Tetracycline oral liquid, veterinary.

(a) *Specifications.* Tetracyline oral liquid, veterinary, conforms to the standards of identity, strengh, quality, and purity prescribed by § 146c.217 of this chapter.

(b) *Sponsor.* See § 135.501(c) of this chapter for identification of the sponsors as listed in paragraph (e) of this section.

(c) *Special considerations.* The quantity of tetracycline in paragraph (e) of this section refers to the activity of tetracycline hydrochloride.

(d) [Reserved]

(e) *Conditions of use.* It is used as follows:

	Milligrams per milliliter	Sponsor	Limitations	Indications for use
Tetracycline	25 or 100	071	For dogs; as tetracycline; administer orally 25 mg/lb of body weight per day given in divided doses every 6 hours; treatment should be continued until symptoms have subsided and the temperature is normal for 48 hours; not for use in animals which are raised for food production; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms sensitive to tetracycline hydrochloride, such as bacterial gastroenteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli.*
Do	100	037	For dogs and cats; as tetracycline; administer orally 25 mg/lb of body weight per day given in divided doses every 6 hours; treatment should be continued until the temperature has been normal for 48 hours; not for use in food-producing animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms susceptible to tetracycline hydrochloride, such as bacterial gastroenteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli.*

Effective date. This order shall be effective March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6136 Filed 3-14-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-345V) filed by Caribe Chemical Co., Inc., 576 Fifth Ave., New York, NY 10036, proposing the safe and effective use of additional capsule sizes of chloramphenicol for the treatment of dogs. 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), Part 135c is amended in § 135c.63 by including an additional sponsor code number in paragraph (b)(1) and by deleting paragraph (b)(3) and reserving it for future use, as follows:

§ 135c.63 Chloramphenicol capsules, veterinary.

* * * * *

(b) *Sponsor.* (1) For chloramphenicol capsules containing 50, 100, 250 and 500 milligrams chloramphenicol see code Nos. 049, 071, 077 and 096 in § 135.501(c) of this chapter.

* * * * *

(3) [Reserved]

* * * * *

Effective date. This order shall be effective on March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6134 Filed 3-14-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sodium Liothyronine Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (14-366V) filed by Norden Laboratories, Inc., Lincoln, NE 68501, proposing the safe and effective use of revised tablet sizes of sodium liothyronine tablets at 60 and 120 micrograms per tablet for treatment of hypothyroidism in dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 State. 347; 21 U.S.C. 370b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.98 is amended by revising paragraph (a) to read as follows:

§ 135c.98 Sodium liothyronine tablets, veterinary.

(a) *Specifications.* Sodium liothyronine tablets, veterinary consist of tablets intended for oral administration which contains sodium liothyronine at 60 or 120 micrograms per tablet.

* * * * *

Effective date. This order shall be effective on March 15, 1974.

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

Dated: March 13, 1974.

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

[FR Doc.74-6135 Filed 3-14-74;8:45 am]

AMPICILLIN AND CEPHALOSPORIN

Recodification, Name Change, and Technical Revisions

A notice was published in the FEDERAL REGISTER of November 22, 1972 (37 FR 24830), proposing to recodify and revise the ampicillin monographs. In addition, it was proposed that "trihydrate" be deleted from the nonproprietary name for all ampicillin trihydrate products and that the word "chewable" be excluded from the names of both the anhydrous and trihydrate chewable tablet dosage forms.

A second notice was published in the FEDERAL REGISTER of March 28, 1973 (38 FR 8064), proposing additional requirements for the same monographs. This notice proposed to amend the titration procedure and establish additional certification requirements for ampicillin and sodium ampicillin. It also proposed to amend the cephaloglycin bulk monograph since the proposed revision in the titration procedure for ampicillin content would also affect the procedure for determining the cephaloglycin content.

Interested persons were afforded 60 days to submit written comments on each proposal.

In response to the November 22, 1972 proposal, comments from three manufacturers were received as follows:

1. Two comments objected to deletion of the word "chewable" from the nonproprietary names of tablet dosage forms.

The Commissioner of Food and Drugs has considered these objections and finds that the term "chewable," while necessary as a part of the label and labeling of the drug to identify the dosage forms, is not necessary as a part of the established or nonproprietary name of the drug. This is in line with the policy of the official compendia and provides for consistency with drug nomenclature.

2. One manufacturer commented that under ampicillin for oral suspension, the 100 milligrams per milliliter potency was not provided for in § 149b.14.

The Commissioner finds that provisions for that potency were inadvertently omitted and the regulations have been revised accordingly.

3. One antibiotic drug manufacturer suggested a different method for determining the moisture content of ampicillin bulk drugs.

The Commissioner finds that the suggested method does not offer a significant improvement over the proposed method. In the experience of the Food and Drug

Administration, the proposed official method gives satisfactory results for all ampicillin bulk samples tested, regardless of the manufacturer. The regulations do provide for the use of alternative assay methods under § 141.1a, and the Food and Drug Administration has no objection to the use of alternative methods in accordance with that regulation if the results obtained are equivalent to the official method.

4. One comment offered changes in the recodification and proposed new monograph headings.

The Commissioner finds that at this time the recodification and monograph hearings proposed by FDA provide a suitable means of codifying ampicillin drug monographs.

In response to the March 28, 1973 proposal, comments from four domestic drug manufacturers and one foreign drug manufacturer were received as follows:

1. Four of the five comments objected to the proposed concordance limit of 6 percent and the method for determining purity. One manufacturer recommended that it be eliminated and the purity of the product be determined by thin layer chromatography. A second manufacturer requested that the limit be raised from 6 percent to 10 percent based on the variability of the assays. A third suggested that particular assays be performed to determine specific impurities in the product.

The concordance limit of 6 percent was based on extensive data and certification experience with ampicillin produced by the holder of the originally approved Form 5 application establishing the safety and effectiveness of this drug. Review and evaluation of such data showed that essentially all of this material meets the proposed limit. No data are provided that justify relaxing the standard at this time. The thin layer chromatography test recommended by one manufacturer would impose an additional requirement that is unnecessary if concordance is achieved.

The Commissioner has considered all these comments and concludes that the methods proposed are adequate and the 6 percent concordance limit assures a product of suitable quality and that all manufacturers should be able to meet this standard using the assay methods proposed in this document.

2. Two of the five comments recommended changes in the assay procedure, i.e., increasing the concentration of the titrants, lithium methoxide, and perchloric acid, increasing the sample size from 100 milligrams to 500 milligrams, and equilibrating the electrode in KCL rather than the solvent used for preparing the sample solution.

The Commissioner finds that the proposed methods give satisfactory results for all samples tested and the comments do not offer significant improvements in the procedures. However, as provided for in § 141.1a, alternative methods may be used provided equivalent results to those obtained with the official method are obtained.

Since the proposals were published, the following regulations providing for certification of additional ampicillin drug products have been published in the FEDERAL REGISTER and are included in the final order:

1. Section 149b.18 *Ampicillin chewable tablets* was amended in paragraph (a)(1) to provide for a chewable tablet containing 250 milligrams (February 6, 1973; 38 FR 3402).

2. Section 149b.21 *Ampicillin trihydrate soluble powder, veterinary* was promulgated (February 12, 1973; 38 FR 4251).

3. Section 149b.23 *Ampicillin trihydrate boluses, veterinary* was promulgated (September 19, 1973; 38 FR 26183).

4. Section 149b.24 *Ampicillin capsules, veterinary* was promulgated (November, 9, 1973; 38 FR 31004).

5. Section 149b.25 *Ampicillin triyhydrate-probenecid for oral suspension* was promulgated (September 14, 1973; 38 FR 25674).

The revisions in the cephaloglycin bulk monograph are adopted as proposed, with some editorial changes in the final order.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

1. In § 135c.47 by revising paragraph (a) to read as follows:

§ 135c.47 Ampicillin trihydrate capsules, veterinary.

(a) *Specifications.* The drug is in capsule form and conforms to the certification requirements of § 149b.17 of this chapter.

* * * * *

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. By adding a new section to read as follows:

§ 141.544 Nonaqueous titrations.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of a suitable titrimeter equipped with a potentiometer, an automatic burette, a chart recorder, and a glass calomel combination electrode (with saturated methanolic potassium chloride as the electrolyte).

dissolved in 50 milliliters of dimethylformamide), using as indicator four drops of 0.5 percent solution of bromothymol blue in dimethylformamide. Each milliliter of 0.1*N* lithium methoxide is equivalent to 34.94 milligrams of ampicillin. Calculate the ampicillin content to the anhydrous basis.

(2) *Titration vessel.* Use a 100-milliliter tall form beaker without a spout.

(b) *Reagents*—(1) Methyl alcohol, reagent grade, anhydrous.

(2) Dimethylsulfoxide, A.C.S., reagent grade.

(3) Glacial acetic acid, A.C.S., reagent grade.

(4) Lithium methoxide reagent: 0.02*N* lithium methoxide in methyl alcohol, standardized against primary grade benzoic acid.

(5) Perchloric acid reagent: 0.02*N* perchloric acid in glacial acetic acid, standardized against primary grade potassium acid phthalate.

(c) *Preparation of sample solutions.* Select the weight of the sample and the solvent listed for each antibiotic. Transfer the accurately weighed sample to a titration vessel. Add the appropriate solvent, cover, and stir magnetically until the sample is dissolved. Proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

Antibiotic	Weight in milligrams of sample	Solvent
Ampicillin-acid titration.	100	20 milliliters dimethylsulfoxide and 30 milliliters methyl alcohol.*
Ampicillin-base titration.	100	50 milliliters glacial acetic acid.
Ampicillin sodium-base titration.	50	50 milliliters glacial acetic acid.
Cephaloglycin-base titration.	50	50 milliliters glacial acetic acid.

*The methyl alcohol is added after the sample has dissolved in dimethylsulfoxide.

(d) *Blank determination.* Place the same volume of solvent used to prepare the sample solution into a titration vessel and proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

(e) *Titration procedures*—(1) *Acid titration.* Equilibrate the electrode by soaking it overnight in the solvent used for preparing the sample solution. Start the magnetic stirrer and titrate the sample solution with the lithium methoxide reagent. Record the change in potential of the solution with the addition of the titrant. Determine the number of milliliters of reagent consumed at neutralization (the inflection point of the titration curve). Calculate the antibiotic content as directed in the individual section.

(2) *Base titration.* Proceed as directed in paragraph (e)(1) of this section, except use the perchloric acid reagent as the titrant and calculate the antibiotic content as directed in the individual section.

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.111, 141a.112, 141a.122, 141a.123, 141a.127, 141a.128, and 141a.129 [Revoked and reserved]

3. By revoking and reserving §§ 141a.111, 141a.112, 141a.122, 141a.123, 141a.127, 141a.128, and 141a.129.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.6, 146a.7, 146a.118, 146a.119, 146a.123, 146a.124, and 146a.125 [Revoked and reserved]

4. By revoking and reserving §§ 146a.6, 146a.7, 146a.118, 146a.119, 146a.123, 146a.124, and 146a.125.

PART 148w—CEPHALOSPORIN

5. In § 148w.3 by revising paragraph (b)(5) to read as follows:

§ 148w.3 Nonsterile cephaloglycin dihydrate.

* * * * *

(b) * * *

(5) *Cephaloglycin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the cephaloglycin content as follows:

$$\text{Percent cephaloglycin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (405.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:

A=Milliliters of perchloric acid reagent used in titrating the sample;
B=Milliliters of perchloric acid reagent used in titrating the blank;
m=Percent moisture content of the sample.

* * * * *

PART 149b—AMPICILLIN

6. By revising Part 149b to read as follows:

Sec.
149b.1 Ampicillin trihydrate.
149b.2 Sterile ampicillin trihydrate.
149b.3 Ampicillin.
149b.4 Sterile sodium ampicillin.
149b.5—148b.10 [Reserved]
149b.11 Ampicillin trihydrate capsules.
149b.12 Ampicillin trihydrate chewable tablets.
149b.13 Ampicillin tablets.
149b.14 Ampicillin for oral suspension.
149b.15 Ampicillin trihydrate for oral suspension.
149b.16 Ampicillin capsules.
149b.17 Ampicillin trihydrate capsules, veterinary.
149b.18 Ampicillin chewable tablets.
149b.19 Sterile ampicillin trihydrate for suspension, veterinary.
149b.20 Sterile ampicillin trihydrate for suspension.
149b.21 Ampicillin trihydrate soluble powder, veterinary.
149b.22 [Reserved]
149b.23 Ampicillin trihydrate boluses, veterinary.
149b.24 Ampicillin capsules, veterinary.
149b.25 Ampicillin trihydrate-probenecid for oral suspension.

AUTHORITY: The provisions of this Part 149b issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149b.1 Ampicillin trihydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate is the trihydrate form of D(−)α-aminobenzyl penicillin. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not less than 12 percent and not more than 15 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(v) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin trihydrate.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3(b) of this chapter, this drug shall be labeled "ampicillin" and each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required: 10 packages each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:

A=Milliliters of lithium methoxide reagent used in titrating the sample;
B=Milliliters of lithium methoxide reagent used in titrating the blank;
m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:

A=Milliliters of perchloric acid reagent used in titrating the samples;
B=Milliliters of perchloric acid reagent used in titrating the blank;
m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

* * * * * *

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent potassium bromide disc, prepared as described in paragraph (b)(1) of that section.

§ 149b.2 Sterile ampicillin trihydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate is the trihydrate form of D(-)α-aminobenzyl penicillin. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not less than 12 percent and not more than 15 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(vii) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(viii) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(ix) It is crystalline.

(x) It gives a positive identity test for ampicillin trihydrate.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 (b) of this chapter, this drug shall be labeled "ampicillin."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter. Further dilute an aliquot of the stock solution with 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3) to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except in lieu of paragraph (e) (1) (i) (*a*), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[1] of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e) (1) (ii) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e) (1) and (e) (2) of that section. Calculate the ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

* * * * * *

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent potassium bromide disc, prepared as described in paragraph (b) (1) of that section.

§ 149b.3 Ampicillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin is 6-[D-α-aminobenzyl] penicillin. It is a white powder. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(v) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than six. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than six. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3(b) of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the refer-

[1] One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

ence concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}.$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent potassium bromide disc, prepared as described in paragraph (b)(1) of that section.

§ 149b.4 **Sterile sodium ampicillin.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium ampicillin is the sodium salt or D(-) α-aminobenzyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram. If it is packaged for dispensing, it contains not less than 90 percent and not more than 115 percent of the number of milligrams of ampicillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 2 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 8.0 and not more than 10.0.

(vii) Its ampicillin content is not less than 84.5 percent.

(viii) The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(ix) It is crystalline.

(x) It passes the identity test for sodium ampicillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in manufacturing another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*2*) For sterility testing: 20 packages each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 15 immediate containers or if each vial contains 250 milligrams or less of ampicillin a minimum of 24 vials.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in distilled water for the iodometric assay or for the hydroxylamine colorimetric assay to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation remove an accurately measured representative portion from each container. Dilute with either sterile distilled water or distilled water to give a stock solution as specified above.

(ii) *Assay procedure.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams of ampicillin per milliliter.

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the ampicillin content as follows:

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (174.7)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:

A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Proceed as directed in § 141.521 of this chapter, using the method described in paragraph (b)(2) of that section.

§§ 149b.5—149b.10 [Reserved]

§ 149b.11 Ampicillin trihydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate capsules are composed of ampicillin trihydrate with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains ampicillin trihydrate equivalent to 250 milligrams or 500 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not less than 10 percent and not more than 15 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.1(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "ampicillin capsules."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.12 Ampicillin trihydrate chewable tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate chewable tablets are composed of ampicillin trihydrate with or without one or more suitable diluents, lubricants, preservatives, and flavorings. Each tablet contains ampicillin trihydrate equivalent to 125 or 250 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 5.0 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.1(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "ampicillin tablets."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, concordance, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each loss on drying, pH, ampicillin content, containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Blend for 5 minutes. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149b.13 Ampicillin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin tablets are composed of ampicillin with one or more suitable and harmless diluents and lubricants. Each tablet contains 250 or 500 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 4 percent. The tablets disintegrate within 15 minutes. The ampicillin used conforms to the standards prescribed by § 149b.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample solution as follows: Place a representative number of tablets in a high-speed glass blender jar and add

sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e)(1) of that section.

§ 149b.14 Ampicillin for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin for oral suspension is a mixture of ampicillin with one or more suitable and harmless colorings, flavorings, buffer substances, sweetening ingredients, and preservatives. When reconstituted as directed in the labeling, it contains either 25 milligrams or 50 milligrams, or 100 milligrams of ampicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The ampicillin used conforms to the standards prescribed by § 149b.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 149b.15 Ampicillin trihydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate for oral suspension is a mixture of ampicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffers, sweetening ingredients, and preservatives. When reconstituted as directed in the labeling, it contains ampicillin trihydrate equivalent to either 25, 50, or 100 milligrams of ampicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain: Its moisture content is:

(i) Not more than 2.5 percent if it contains sugar and is intended to contain the equivalent of 25 or 50 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(ii) Not more than 5 percent if it contains sugar and is intended to contain the equivalent of 100 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(iii) Not more than 8 percent if it is sugarless and is intended to contain the equivalent of 25 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(iv) Not more than 12 percent if it is sugarless and is intended to contain the equivalent of 100 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling. Its pH, when reconstituted as directed in the labeling, is not less than 5.0 and is not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.1(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "ampicillin for oral suspension."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 149b.16 Ampicillin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin capsules are composed of ampicillin with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains 125 milligrams, 250 milligrams, or 500 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The loss on drying is not more than 4.0 percent. The ampicillin used conforms to the standards prescribed by § 149b.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological

agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.17 Ampicillin trihydrate capsules, veterinary.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate capsules are composed of ampicillin trihydrate with or without one or more diluents, binders, or lubricants, enclosed in a gelatin capsule. Each capsule contains ampicillin trihydrate equivalent to 125, 250, or 500 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not less than 10 percent and not more than 15 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135c.47 and 148.3 of this chapter, and, in addition, this drug shall be labeled "ampicillin capsules, veterinary."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a blending jar and add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.18 Ampicillin chewable tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Each ampicillin chewable tablet contains 125 milligrams or 250 milligrams of ampicillin with suitable binders, lubricants, flavorings, and colorings. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 3 percent. The ampicillin used conforms to the standards prescribed by § 149b.3(a)(1) of this chapter.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "ampicillin tablets".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.19 Sterile ampicillin trihydrate for suspension, veterinary.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate for suspension, veterinary, is a dry mixture of ampicillin trihydrate and one or more suitable and harmless buffer substances, stabilizers, suspending agents, and preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not less than 11.4 percent and not more than 14.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.0. The ampicillin trihydrate used conforms to the requirements of § 149b.2.

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135b.41 and 148.3 of this chapter, and in addition, this drug shall be labeled "sterile ampicillin for suspension, veterinary".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the resultant solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), for

the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of paragraph (e)(1)(i)(*a*), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[1] of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section. If the formulation cannot be filtered, proceed as directed in § 141.2(e)(2), except use medium B in lieu of medium A and add at least 40,000 Levy units of penicillinase to both medium B and medium E.

(3) *Pyrogens.* Proceed as directed in § 141.4(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

§ 149b.20 Sterile ampicillin trihydrate for suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate for suspension is a dry mixture of ampicillin trihydrate and one or more suitable and harmless buffer substances, stabilizers, suspending agents, and preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not less than 11.4 percent and not more than 14.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.0. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.2(a)(1) of this chapter.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "sterile ampicillin for suspension."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconsitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the resultant solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of (e)(1)(i)(*a*), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[1] of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section. If the formulation cannot be filtered, proceed as directed in § 141.2(e)(2), except use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 141.4(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

§ 149b.21 Ampicillin trihydrate soluble powder, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate soluble powder, veterinary is a dry mixture of ampicillin trihydrates with one or more suitable and harmless diluents and stabilizing agents. Each gram contains an amount of ampicillin trihydrate equivalent to 88.2 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin it is represented to contain. Its moisture content is not more than 5.0 percent. Its pH in an aqueous solution containing 20 milligrams of ampicillin per milliliter is not less than 3.5 and not more than 6.0. The ampicillin trihydrate used conforms to the standards prescribed by 149b.1(a)(1)

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135c.85 and 148.3 of this chapter, and in addition, this drug shall be labeled "ampicillin soluble powder, veterinary".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystalline, and identity.

(*b*) The batch for potency, moisture and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient 0.1*M* potassium phosphate buffer,

[1] One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

pH 8.0 (solution 3) to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 20 milligrams of ampicillin per milliliter.

§ 149b.22 [Reserved]

§ 149b.23 Ampicillin trihydrate boluses, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Ampicillin trihydrate boluses are composed of ampicillin trihydrate with or without one or more suitable and harmless diluent buffers, preservatives, stabilizing agents and lubricants. Each bolus contains the equivalent of 400 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 5 percent. The ampicillin trihydrate used conforms to the sandards prescribed in § 149b.1 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, except that in lieu of the requirements of § 148.3(a) (1), it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate, used in making the batch, for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 boluses.

(b) *Test and methods of assay*—(1) *Potency.* Use *either* of the following methods, however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of boluses into a high-speed glass blending jar with sufficient 0.1*M* potassium phosphate buffer pH 8.0 (solution 3) to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place a representative number of boluses in a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.24 Ampicillin capsules, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin capsules veterinary are composed of ampicillin with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains 125 milligrams or 250 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The loss on drying is not more than 4.0 percent. The ampicillin used conforms to the standards prescribed by § 149b.3(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 148.3 and 135c.110 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 141.501(a) of this chapter.

§ 149b.25 Ampicillin trihydrate-probenecid for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate and probenecid for oral suspension is a dry mixture of ampicillin trihydrate and probenecid with suitable flavorings, lubricants, colorings, and suspending agents packaged in a single dose container. When reconstituted as directed in the labeling, each single dose will contain ampicillin trihydrate equivalent to 3.5 grams of ampicillin and 1.0 gram of probenecid. Its ampicillin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of grams of ampicillin that it is represented to contain. Its probenecid content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of grams of probenecid that it is represented to contain. Its moisture content is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.1(a) (1) of this chapter. The probenecid used conforms to the standards prescribed by the USP XVIII.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, this drug shall be labeled "ampicillin-probenecid for oral suspension".

(3) *Requests for certification; samples.* In addition to complying with the requirements for § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, and identity.

(*b*) The probenecid used in making the batch for all USP XVIII specifications.

(*c*) The batch for ampicillin content, probenecid content, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 10 immediate containers.

(b) *Tests and methods of assay*—(1) *Ampicillin content*—(i) *Sample preparation.* Reconstitute as directed in the

labeling and mix well. Drain the suspension from the bottle for 30 seconds into a high-speed glass blender jar containing sufficient sterile distilled water to obtain a total volume of 500 milliliters. Blend for 10 minutes.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the aqueous solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the aqueous solution to the prescribed concentration.

(2) *Probenecid content*—(i) *Preparation of standard solution.* Transfer approximately 25 milligrams of U.S.P. probenecid reference standard, accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with 1 percent aqueous sodium carbonate solution.

(ii) *Preparation of sample solution.* Reconstitute the sample as directed in the labeling and mix well. Drain the suspension from the bottle for 30 seconds into a 1,000-milliliter volumetric flask. Dilute to volume with 1 percent aqueous sodium carbonate solution, shake well, and filter through Whatman No. 6 filter paper. Discard the first 10-milliliter portion.

(iii) *Procedure.* Transfer 2.0 milliliters of the clear filtrate to a 125-milliliter separatory funnel and add 8.0 milliliters of 1.0*N* hydrochloric acid. Extract the solution with four 20-milliliter portions of chloroform, filtering each extract through a glass wool pledget into a 100-milliliter volumetric flask. Wash the pledget with chloroform, dilute to volume with chloroform and mix. Treat 2.0 milliliters of the standard solution in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter cell and chloroform washed with 1 percent aqueous sodium carbonate solution as a blank, determine the absorbance of the sample and standard solutions at the peak near 257 nanometers.

(iv) *Calculations.* Calculate the probenecid content as follows:

$$\text{Grams probenecid per container} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent purity of standard}}{\text{Absorbance of standard} \times 25 \times 100}$$

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

Effective date. This order shall become effective April 15, 1974.

(Secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350-351; 21 U.S.C. 357, 360b(n))

Dated: March 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-6030 Filed 3-14-74;8:45 am]

SUBCHAPTER L—REGULATIONS UNDER CERTAIN OTHER ACTS ADMINISTERED BY THE FOOD AND DRUG ADMINISTRATION

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

Tea Standards

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631; 21 U.S.C. 43, 50) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the regulations for the enforcement of the act (21 CFR Part 1220, formerly Part 281 of Subchapter F of 21 CFR Chapter I, recodified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32107)) are amended by revising § 1220.40(a) to read as follows:

§ 1220.40 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on April 26, 1973, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1973, and ending April 30, 1974:

(1) Formosa Oolong.

(2) Ceylon-India-Indonesia black types—for all black teas except Formosa, Japan, and China.

(3) Formosa Black—for Formosa, Japan, and China black teas.

(4) Green Tea—for all green teas.

(5) Canton Oolong type—for all Canton type teas of Formosa or China origin including Scented Canton.

(6) Scented Black Tea.

(7) Spiced Tea.

These standards apply to tea shipped from abroad on or after May 1, 1973. Tea shipped prior to May 1, 1973 will be governed by the standards that became effective May 1, 1972.

* * * * *

As this amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of tea experts drawn from the Food and Drug Administration and the tea trade, to be representative of the trade as a whole, the Commissioner therefore concludes that notice and public procedure are not necessary prerequisites to the promulgation of this order.

Effective date. This order became effective May 1, 1973.

(Secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631; 21 U.S.C. 43, 50)

Dated: March 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-6031 Filed 3-14-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7307]

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1973 and Estimated Tax for Taxable Year 1974

This document contains the proclamation of the Secretary of the Treasury of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business, as provided for under section 819 of the Internal Revenue Code of 1954.

Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805 (b)(2)).

Proclamation. It is hereby determined that for purposes of computing the 1973 income tax for foreign corporations carrying on a life insurance business a percentable of 15.8 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1973 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1974 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1974 and payment of installments thereof by such corporation a percentage of 15.8 (the percentage applicable for 1973) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1974 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1972, which are not open to public inspection, the public accordingly cannot effectively participate

in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

[SEAL] FREDRIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc. 74-6048 Filed 3-14-74;8:45 am]

[T.D. 7306]

TAXPAYER IDENTIFYING NUMBERS

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, December 5, 1973 (38 FR 33490), amendments to the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6109, 6676 and 7701 of the Internal Revenue Code of 1954 were proposed in order to revise the rules relating to taxpayer identifying numbers.

The most precise and concise method for identifying taxpayers in the automated recordkeeping system of the Internal Revenue Service is through the use of taxpayer identifying numbers. The existing regulations under section 6109 set forth detailed requirements with respect to taxpayer identifying numbers. The proposed regulations described the two types of taxpayer identifying numbers, told taxpayers where to apply for them, and informed taxpayers that they must give all taxpayer identifying numbers required by the forms and related instructions.

This Treasury decision contains two minor changes from the notice of proposed rule making. One is the addition of a sentence to draw attention to the fact that requirements relating to information to be furnished to the Bureau of Alcohol, Tobacco and Firearms are unchanged by this Treasury decision. Pursuant to paragraph 4(a) of Treasury Order 221, published in the FEDERAL REGISTER for June 10, 1972 (37 FR 11696), certain regulations of the Internal Revenue Service, including pertinent sections of 26 CFR Part 301, continue in effect as regulations of the Bureau of Alcohol, Tobacco and Firearms until superseded or revised. The Director, Bureau of Alcohol, Tobacco and Firearms has, therefore, joined as a signatory to this Treasury decision.

The other change is the updating of cross references to parts of the Code of Federal Regulations by replacing the references to the January 1, 1972 revision with references to the April 1, 1973 revision. The two revisions are identical with respect to the regulations under section 6109.

Adoption of amendments to the regulations. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.6109-1, as set forth in paragraph 1 of the appendix to the notice of proposed rule making, is changed by revising paragraph (b). The revised paragraph reads as set forth below.

PAR. 2. Section 31.6109-1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is changed by revising paragraph (b). The revised paragraph reads as set forth below.

PAR. 3. Section 301.6109-1, as set forth in paragraph 3 of the appendix to the notice of proposed rule making, is changed by revising paragraph (h). The revised paragraph reads as set forth below.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 11, 1974.

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

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Section 1.6109-1 is amended to read as follows:

§ 1.6109-1 Identifying numbers.

(a) *Information to be furnished after [insert 30 days after final regulations are filed by the Federal Register].* For provisions concerning the requesting and furnishing of identifying numbers with respect to returns, statements, and other documents which must be filed after April 15, 1974, see § 301.6109-1 of this chapter (Regulations on Procedure and Administration).

(b) *Information to be furnished before [insert 31 days after final regulations are filed by the Federal Register].* For provisions concerning the requesting and furnishing of identifying numbers with respect to returns, statements, and other documents which must be filed before April 16, 1974, see 26 CFR § 1.6109-1 (revised as of April 1, 1973).

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 2. Section 31.6109-1 is amended to read as follows:

§ 31.6109-1 Supplying of identifying numbers.

(a) *In general.* The returns, statements, and other documents required to be filed under this subchapter shall reflect such identifying numbers as are required by each return, statement, or document and its related instructions. See § 301.6109-1 of this chapter (Regulations on Procedure and Administration).

(b) *Effective date.* The provisions of this section are effective for information which must be furnished after April 15, 1974. See 26 CFR § 31.6109-1 (revised as of April 1, 1973) for provisions with respect to information which must be furnished before April 16, 1974.

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 3. Section 301.6109-1 is amended to read as follows:

§ 301.6109-1 Identifying numbers.

(a) *In general.* There are two types of taxpayer identifying numbers: social security numbers and employer identification numbers. Social security numbers take the form 000-00-0000, while employer identification numbers take the form 00-0000000. Social security numbers identify individual persons and estates of decedents, while employer identification numbers identify corporations, partnerships, nonprofit associations, trusts, and similar nonindividual persons. Both types of taxpayer identifying numbers are used by individuals who are employers or who are engaged in trade or business as sole proprietors, as required by returns, statements or other documents and their related instructions. Such documents often require an individual's own social security number in connection with his individual taxes, and his employer identification number in connection with his business taxes.

(b) *Use of one's own number.* Every person who files under this title a return, statement, or other document shall furnish his taxpayer identifying number as required by the forms and the instructions relating thereto. A person whose number must be included on a document filed by another person shall give the taxpayer identifying number so required to the other person on request. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see paragraphs (a) and (b) of § 31.6011(b)-2 of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see § 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(c) *Use of another's number.* Every person required under this title to file a return, statement, or other document shall furnish such taxpayer identifying numbers of other persons as required by the forms and the instructions relating thereto. If he does not know the taxpayer identifying number of the other person, he shall request such number of the other person. A request should state that the identifying number is required to be furnished under authority of law. When the person filing the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph, he shall sign an affidavit on the transmittal document forwarding

such returns, statements, or other documents to the Internal Revenue Service, so stating. A person required to file a taxpayer identifying number shall correct any errors in such filing when his attention has been drawn to them.

(d) *Obtaining a taxpayer identifying number*—(1) *Social security number.* Any individual required to furnish a social security number pursuant to paragraph (b) of this section shall apply for one, if he has not done so previously, on Form SS–5, which may be obtained from any Social Security Administration or Internal Revenue Service office. He shall make such application far enough in advance of the first required use of such number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, shall be prepared and filed in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Individuals who are ineligible for or do not wish to participate in the benefits of the social security program shall nevertheless obtain a social security number if they are required to furnish such a number pursuant to paragraph (b) of this section.

(2) *Employer identification number.* Any person required to furnish an employer identification number pursuant to paragraph (b) of this section shall apply for one, if he has not done so previously, on Form SS–4, which may be obtained from any office of the Internal Revenue Service. He shall make such application far enough in advance of the first required use of such number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, shall be prepared and filed in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for.

(e) *Banks, and brokers and dealers in securities.* For additional requirements relating to deposits, share accounts, and brokerage accounts, see 31 CFR 103.34 and 103.35.

(f) *Penalty.* For penalty for failure to supply identifying numbers, see section 6676 and § 301.6676–1.

(g) *Nonresident alien exclusion.* This section shall not apply to nonresident aliens, foreign corporations, foreign partnerships, or foreign private foundations that do not have income effectively connected with the conduct of a trade or business within the United States and do not have an office or place of business or a fiscal or paying agent in the United States.

(h) *Effective date.* The provisions of this section are effective for information which must be furnished after April 15, 1974. See the parts of 26 CFR (revised as of April 1, 1973) which relate to the particular tax for provisions with respect to information which must be furnished before April 16, 1974, and for information which must be furnished to the Bureau of Alcohol, Tobacco and Firearms prior to the effective date of comparable procedural regulations promulgated by the Bureau in 27 CFR Part 70. Nothing contained in the regulations under section 6109 shall limit the authority of the Internal Revenue Service to obtain taxpayer identifying numbers required before or after the effective date of this paragraph after notice is served upon the taxpayer pursuant to section 6001.

PAR. 4. Paragraph (a) of § 301.6676–1 is amended by replacing the phrase "Under § 1.6109–1(b)(2)" with "Under § 301.6109–1(c)". It reads as follows:

§ 301.6676–1 Penalty for failure to supply identifying number.

(a) *In general.* Except as provided in paragraph (c) of this section, if any person who is required by the regulations under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor. Under § 301.6109–1(c) a payer is required to request the identifying number of the payee. If, after such a request has been made, the payee does not furnish the payer with his identifying number, the penalty will not be assessed against the payer.

* * * * *

PAR. 5. Section 301.7701–11 is amended to read as set forth below:

§ 301.7701–11 Social security number.

For purposes of this chapter, the term "social security number" means the taxpayer identifying number of an individual or estate which is assigned pursuant to section 6011 (b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by hyphens as follows: 000–00–0000. Such term does not include a number with a letter as a suffix which is used to identify an auxiliary beneficiary under the social security program. The terms "account number" and "social security number" refer to the same number.

PAR. 6. Section 301.7701–12 is amended to read as set forth below:

§ 301.7701–12 Employer identification number.

For purposes of this chapter, the term "employer identification number" means the taxpayer identifying number of an individual or other person (whether or not an employer) which is assigned pursuant to section 6011 (b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by a hyphen, as follows: 00–0000000. The terms "employer identification number" and "identification number" (defined in § 31.0–2(a)(11) of this chapter (Employment Tax Regulations)) refer to the same number.

[FR Doc.74–6046 Filed 3–14–74;8:45 am]

[T.D. 7308]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Activities Not Engaged in for Profit

The following regulations relate to section 183(e) of the Internal Revenue Code of 1954, as added by section 311(a) of the Revenue Act of 1971 (85 Stat. 525), which permits a taxpayer to elect to postpone the determination of the presumption that an activity is engaged in for profit if it is profitable in two years during a period of five consecutive years (seven consecutive years in the case of activities concerning the breeding, training, showing or racing of horses).

The regulations provide, generally, that an election with respect to an activity shall be made by filing a statement with the service center where the taxpayer's return is filed within three years after the due date of the return (determined without regard to extensions) for the first taxable year in which the taxpayer engages in such activity or, if earlier, upon notice that a district director proposes to disallow deductions attributable to an activity not engaged in for profit under section 183, by filing a statement with the district director who issued such notification within 60 days after such notice. (For purposes of the election a taxpayer shall be treated as not having engaged in any activity during any taxable year beginning before January 1, 1970.) The election must include a general extension of the three year statute of limitations, with respect to all years in the five or seven year period, commencing with the year in which the taxpayer first engages in the activity, to 18 months after the due date of the return (determined without regard to extensions) for the last taxable year in the five or seven year period.

The regulations set forth herein are temporary and are designed to provide rules governing the manner and time for making an election to postpone a determination of whether an activity is engaged in for profit. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner and approved by the Secretary or his delegate.

In order to provide such temporary regulations under section 183(e) of the Internal Revenue Code of 1954, the following regulations are adopted:

Section 12.9 is added immediately following § 12.8 and reads as follows:

§ 12.9 Election to postpone determination with respect to the presumption described in section 183(d).

(a) *In general.* An individual, electing small business corporation, trust or estate may elect in accordance with the

rules set forth in this section to postpone a determination whether the presumption described in section 183(d) applies with respect to any activity in which the taxpayer engages until after the close of the fourth taxable year (sixth taxable year, in the case of an activity described in § 1.183–1(c)(3)) following the taxable year in which the taxpayer first engages in such activity. The election must be made in accordance with the applicable requirements of paragraphs (b), (c) and (d) of this section. Except as otherwise provided in paragraphs (c) and (e) of this section, an election made pursuant to this section shall be binding for the first taxable year in which the taxpayer first engages in the activity and for all subsequent taxable years in the five (or seven) year period referred to in the first sentence of this paragraph. For purposes of this section, a taxpayer shall be treated as not having engaged in an activity during any taxable year beginning before January 1, 1970.

(b) *Period to which an election applies.* An individual, trust, estate, or small business corporation may make the election. The five year presumption period (seven year presumption period in the case of an activity described in § 1.183–1(c)(3)) to which the election shall apply shall be the five (or seven) consecutive taxable years of such taxpayer beginning with the taxable year in which such taxpayer first engages in the activity. For purposes of this section, a taxpayer who engages in an activity as a partner, engages in it in each of his taxable years with or within which ends a partnership year during which the activity was carried on by the partnership.

(c) *Time for making an election.* A taxpayer who is an individual, trust estate or small business corporation may make the election provided in § 183(e) by filing the statement and consents required by paragraph (d) of this section within—

(1) 3 years after the due date of such taxpayer's return (determined without extensions) for the taxable year in which such taxpayer first engages in the activity, but not later than

(2) 60 days after such taxpayer receives a written notice (if any) from a district director that the district director proposes to disallow deductions attributable to an activity not engaged in for profit under section 183.

The provisions of paragraph (c)(2) of this section shall in no event be construed to extend the period described in (c)(1) of this section for making such election. Notwithstanding the time periods prescribed in paragraph (c)(1) and (2) of this section, if no election has been made before a suit or proceeding described in section 7422(a) is maintained or a petition is filed in the Tax Court for a redetermination of a deficiency for any taxable year within the presumption period to which the election would apply, no election may be made except with the consent of the Commissioner which will not be given unless no appreciable delay in the suit or proceeding will be caused.

(d) *Manner of making election.* (1) The election shall be made by the individual, trust, estate, or electing small business corporation, as the case may be, engaged in the activity, by filing a statement which sets forth the following information—

(i) The name, address, and taxpayer identification number of such taxpayer, and, if applicable, of the partnership in which he engages in the activity,

(ii) A declaration stating that the taxpayer elects to postpone a determination as to whether the presumption described in section 183(d) applies until after the close of the taxpayer's fourth taxable year (sixth taxable year, in the case of an activity described in § 1.183–1(c)(3)) following the taxable year in which the taxpayer first engaged in such activity and identifying that first such taxable year, and,

(iii) A description of each activity (as defined in § 1.183–1(d)(1)) with respect to which the election is being made.

(2) For an election to the be effective, there must be attached to the statement properly executed consents, in the form prescribed by the Commissioner, extending the period prescribed by section 6501 for the assessment of any tax to a date which is not earlier than 18 months after the due date of the return (determined without extensions) for the final year in the presumption period to which the election applies, as follows:

(i) Consents for each of the taxpayer's taxable years in the presumption period to which the election applies.

(ii) If the election is made by an electing small business corporation, a consent of each person who is a shareholder during any taxable year to which the election applies, for each of such shareholder's taxable years with or within which end each of the corporation's taxable years in the presumption period,

(iii) If a taxpayer referred to in paragraph (d)(2)(i) of this section or shareholder referred to in paragraph (d)(2)(ii) of this section is married at the time of the election, in the case of his present spouse, a consent for each of such spouse's taxable years which correspond to the taxable years (other than prior years of the shareholder during no part of which he was a shareholder) for which consents are required by paragraph (d)(2)(i) or (ii) of this section as the case may be. Such consents shall not be construed to shorten the period described in section 6501 for any taxable year within the presumption period to which the election applies.

(3) The statement, with the required consents attached, shall be filed—

(i) With the service center at which the taxpayer making the election is required to file his return, or

(ii) If the taxpayer is notified by a district director that, pursuant to section 183 he is proposing to disallow deductions with respect to an activity not engaged in for profit, with such district director.

(e) *Subsequent invalidations.* If, after a timely election has been made, but still within the presumption period, a suit or proceeding (as described in section 7422(a)) is maintained by the electing taxpayer, a shareholder referred to in paragraph (d)(2)(ii) of this section, or spouse referred to in paragraph (d)(2)(iii) of this section for any taxable year for which a consent is required by this section and the taxpayer, shareholder, or spouse has not been issued a notice of deficiency (as described in section 6212(a)) with respect to such taxable year such election shall not be effective to postpone the determination whether the presumption applies, for such taxable year, but the consents extending the statute of limitations filed with the election shall not thereby be invalidated. The immediately preceding sentence shall not apply to a suit or proceeding maintained by the spouse of an electing taxpayer for a taxable year for which such spouse has filed a separate return, or a suit or proceeding maintained by a shareholder for a taxable year in which he was not such a shareholder. An election by an individual taxpayer or electing small business corporation, shall be subsequently invalidated for all years in the presumption period to which it had applied if—

(1) The electing taxpayer or shareholder taxpayer files a joint return for one of the first three (five, in the case of an activity described in § 1.183–1(c)(3)) taxable years in such presumption period, and

(2) The spouse with whom he files such joint return has not previously executed a consent described in paragraph (d)(2)(iii) of this section, and

(3) Within one year after the filing of such joint return (or, if later, 90 days after March 14, 1974), such spouse has not filed a consent described in paragraph (d)(2) of this section.

An election by an electing small business corporation shall be invalidated for all years in the presumption period to which it applies if a person who was not a shareholder on the date of election becomes a shareholder during the first three (or five) years of the presumption period to which election applies and does not, within 90 days after the date on which he becomes a shareholder (or, if later, 90 days after March 14, 1974), a consent required by paragraph (d)(2) of this section. Invalidation of the election by operation of this paragraph will in no case affect the validity of the consents filed with such election.

(f) *Extension of time for filing election in hardship cases.* The Commissioner may upon application by a taxpayer, consent to an extension of time prescribed in this section for making an election if he finds that such an extension would be justified by hardship incurred by reason of the time at which this section is published. The burden will be on the taxpayer to establish that under the relevant facts the Commissioner should so consent.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5

of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 12, 1974.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury

[FR Doc.74-6040 Filed 3-14-74;8:45 am]

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

Recodification of Regulations

CROSS REFERENCE: For a document recodifying 26 CFR Part 172 as 27 CFR 72 see FR Doc. 74-6044, *infra*.

[T.D. 7305]

PART 301—PROCEDURE AND ADMINISTRATION

Federal Tax Liens

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Saturday, August 28, 1971 (36 FR 17355), amendments to the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to changes in the Internal Revenue Code of 1954 made by sections 107, 108, 110, 111, 112, and 113 of the Federal Tax Lien Act of 1966 (80 Stat. 1140, 1142, 1145, 1146). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

This document contains amendments to the regulations relating to Federal tax liens, proceedings by taxpayers and third parties, and the sale of personal property and administration of real estate acquired by the United States in payment of debts arising under the internal revenue laws.

Under § 301.7426-1(a)(1), any person, other than the taxpayer against whom is assessed the tax out of which a levy arises, may bring a civil action against the United States in a district court of the United States based upon such person's claim that he has an interest in, or a lien on, property which is senior to the interest or lien of the United States and that the property was wrongfully levied upon. With respect to a wrongful levy, the forms of relief which may be granted by a district court are set forth under § 301.7426-1(b)(1). Relief may be granted under these provisions only if the property levied upon belongs to a person other than the taxpayer or if the levy or sale pursuant to levy will irreparably injure or destroy an interest or lien which is senior to the interest or lien of the United States. Section 301.7426-1(b), as changed, sets forth an example of a wrongful levy under subparagraph (2). Accordingly, subparagraphs (2) and (3) of proposed § 301.7426-1(b) are redesignated as subparagraphs (3) and (4) of § 301.7426-1(b) as adopted by this document.

Example (1) of proposed § 301.6532-3(c) is revised by this document to clarify the calculation of the period of limitations illustrated therein. Further, references to the Alcohol, Tobacco, and Firearms Division and the Division of Loans and Currency in §§ 301.7403-1(a) and 301.7505-1(a)(1), respectively, are revised to reflect reorganizational changes.

Pursuant to paragraph 4(a) of Treasury order 221, published in the FEDERAL REGISTER for June 10, 1972 (37 FR 11696), certain regulations of the Internal Revenue Service continue in effect as regulations of the Bureau of Alcohol, Tobacco, and Firearms until superseded or revised. The regulations amended by this Treasury decision are among those that continue to apply for purposes of the laws administered by the Bureau in addition to applying for purposes of the laws administered by the Internal Revenue Service. The Director, Bureau of Alcohol, Tobacco, and Firearms has, for this reason, joined as a signatory to this Treasury decision.

Adoption of amendments to the regulations. On August 28, 1971, notice of proposed rule making to conform the Regulations on Procedure and Administration (26 CFR Part 301) to changes in the Internal Revenue Code of 1954 made by sections 107, 108, 110, 111, 112, and 113 of the Federal Tax Lien Act of 1966 (80 Stat. 1140, 1142, 1145, 1146) was published in the FEDERAL REGISTER (36 FR 17355). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Example (1) of § 301.6532-3(c), as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

PAR. 2. The historical note for § 301.7402, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

PAR. 3. Paragraph (a) of § 301.7403-1, as set forth in paragraph 8 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

PAR. 4. Section 301.7426-1(b), as set forth in paragraph 14 of the appendix to the notice of proposed rulemaking, is changed by redesignating subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively, and by inserting a new subparagraph (2) immediately after subparagraph (1). These redesignated and added provisions read as set forth below.

PAR. 5. Subparagraph (1) of § 301.-7505-1(a), as set forth in paragraph 16 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 11, 1974.

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

PARAGRAPH 1. Section 301.6322 is amended by revising section 6322 and by adding a historical note to read as follows:

§ 301.6322 Statutory provisions; period of lien.

SEC. 6322. *Period of lien.* Unless another date is specifically fixed by law, the lien imposed by section 6321 shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

[Sec. 6322 as amended by sec. 113(a), Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 2. Section 301.6502 is amended by revising subsection (a) of section 6502 and by adding a historical note to read as follows:

§ 301.6502 Statutory provisions; collection after assessment.

Sec. 6502. *Collection after assessment*—(a) *Length of period.* Where the assessment of any tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—

(1) Within 6 years after the assessment of the tax, or

(2) Prior to the expiration of any period for collection agreed upon in writing by the Secretary or his delegate and the taxpayer before the expiration of such 6-year period (or, if there is a release of levy under section 6343 after such 6-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

* * * * *

[Sec. 6502 as amended by sec. 113(b) Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 3. Section 301.6502-1 is amended by adding a new subparagraph (3) to paragraph (a) to read as follows:

§ 301.6502-1 Collection after assessment.

(a) *Length of period.* * * *

(3) The period provided by section 6502(a) and this section shall not be

extended or curtailed by reason of a judgment against a taxpayer. Therefore, a personal judgment rendered against a taxpayer arising out of an unpaid assessed tax liability will not extend the period during which the liability may be collected by levy. Similarly, the period during which the liability may be collected by levy is not curtailed by the fact that the United States secures such a judgment. For example, if the United States secures a personal judgment arising out of a tax liability assessed 4 years earlier, the liability may be collected in any manner provided by section 7403 or in any manner provided for the enforcement of a judgment or, during the remaining 2 years of the 6 year statutory period, by levy as if such judgment had not been secured.

* * * * *

PAR. 4. Section 301.6532 is amended by adding a new subsection (c) to section 6532 and by amending the historical note to read as follows:

§ 301.6532 Statutory provisions; periods of limitation on suits.

* * * * *

(c) *Suits by persons other than taxpayers*—(1) *General rule.* Except as provided by paragraph (2), no suit or proceeding under section 7426 shall be begun after the expiration of 9 months from the date of the levy or agreement giving rise to such action.

(2) *Period when claim is filed.* If a request is made for the return of property described in section 6343(b), the 9-month period prescribed in paragraph (1) shall be extended for a period of 12 months from the date of filing of such request or for a period of 6 months from the date of mailing by registered or certified mail by the Secretary or his delegate to the person making such request of a notice of disallowance of the part of the request to which the action relates, whichever is shorter.

[Sec. 6532 as amended by sec. 89(b), Technical Amendments Act 1958 (72 Stat. 1665) and sec. 110(b) Federal Tax Lien Act of 1966 (80 Stat. 1144)]

PAR. 5. Immediately after § 301.6532–2 there is added the following new section:

§ 301.6532–3 Periods of limitation on suits by persons other than taxpayers.

(a) *General rule.* No suit or proceeding, except as otherwise provided in section 6532(c)(2) and paragraph (b) of this section, under section 7426 and § 301.7426–1 relating to civil actions by persons other than taxpayers, shall be begun after the expiration of 9 months from the date of levy or agreement under section 6325(b)(3) giving rise to such action.

(b) *Period when claim is filed.* The 9-month period prescribed in section 6532(c)(1) and paragraph (a) of this section shall be extended to the shorter of,

(1) 12 months from the date of filing by a third party of a written request under § 301.6343–1(b)(2) for the return of property wrongfully levied upon, or

(2) 6 months from the date of mailing by registered or certified mail by the district director to the party claimant of a notice of disallowance of the part of the request to which the action relates. A request which, under § 301.6343–1(b)(3), is not considered adequate does not extend the 9-month period described in paragraph (a) of this section.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On June 1, 1970, a tax is assessed against A with respect to his delinquent tax liability. On July 19, 1970, a levy is wrongfully made upon certain tangible personal property of B's which is in A's possession at that time. On July 20, 1970, notice of seizure is given to A. Thus, under section 6502(b), July 20, 1970, is the date on which the levy is considered to be made. Unless a request for the return of property is sooner made to extend the 9-month period, no suit or proceeding under section 7426 may be begun by B after April 20, 1971, which is 9 months from the date of levy.

Example (2). Assume the same facts as in the preceding example except that, on August 3, 1970, B properly files a request for the return of his property wrongfully levied upon. Assume further that the district director mails, on March 1, 1971, a notice of disallowance of B's request for the return of the property. No suit or proceeding under section 7426 may be begun by B after August 3, 1971, which is 12 months from the date of filing a request for the return of property wrongfully levied upon.

Example (3). Assume the same facts as in the preceding example except that the notice of disallowance of B's request for the return of property wrongfully levied upon is mailed to B on November 12, 1970. Since the 6-month period from the mailing of the notice of disallowance expires before the 12-month period from the date of filing the request for the return of property which ends on August 3, 1971, no suit or proceeding under section 7426 may be begun by B after May 12, 1971, which is 6 months from the date of mailing the notice of disallowance.

PAR. 6. Section 301.7402 is amended by redesignating subsection (e) of section 7402 as subsection (f), by adding a new subsection (e) to section 7402, and by adding a historical note to read as follows:

§ 301.7402 Statutory provisions; jurisdiction of district courts.

Sec. 7402. *Jurisdiction of district courts.*

* * * * *

(e) *To quiet title.* The U.S. district courts shall have jurisdiction of any action brought by the United States to quiet title to property if the title claimed by the United States to such property was derived from enforcement of a lien under this title.

(f) *General jurisdiction.* * * *

[Sec. 7402 as amended by sec. 107(a) Federal Tax Lien Act 1966 (80 Stat. 1140); sec. 230(d), Act of June 6, 1972 (Pub. Law 92–310, 86 Stat. 209)]

PAR. 7. Section 301.7403 is amended by adding a new sentence at the end of subsection (c) of section 7403 and by adding a historical note to read as follows:

§ 301.7403 Statutory provisions; action to enforce lien or to subject property to payment of tax.

Sec. 7403. *Action to enforce lien or to subject property to payment of tax.*

* * * * *

(c) *Adjudication and decree.* The court shall, after the parties have been duly notified of the action, proceed to adjudicate all matters involved therein and finally determine the merits of all claims to and liens upon the property, and, in all cases where a claim or interest of the United States therein is established, may decree a sale of such property, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States. If the property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of such lien with expenses of sale, as the Secretary or his delegate directs.

* * * * *

[Sec. 7403 as amended by sec. 107(b) Federal Tax Lien Act 1966 (80 Stat. 1140)]

PAR. 8. Section 301.7403–1 is amended by adding paragraph (b) and by providing a heading for paragraph (a) to read as follows:

§ 301.7403–1 Action to enforce lien or to subject property to payment of tax.

(a) *Civil actions.* In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the Attorney General or his delegate, at the request of the Commissioner (or the Director, Bureau of Alcohol, Tobacco, and Firearms, or the Chief Counsel for the Bureau, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate, may direct a civil action to be filed in a district court of the United States to enforce the lien of the United States under the Code with respect to such tax or liability or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such tax or liability. In any such proceeding, at the instance of the United States, the court may appoint a receiver to enforce the lien, or, upon certification by the Commissioner or the Chief Counsel for the Internal Revenue Service during the pendency of such proceedings that it is in the public interest, may appoint a receiver with all the powers of a receiver in equity.

(b) *Bid by the United States.* If property is sold to satisfy a first lien held by the United States, the United States may bid at the sale a sum which does not exceed the amount of its lien and the expenses of the sale. See also 31 U.S.C. 195.

PAR. 9. The center heading immediately preceding section 301.7421 is revised to read as follows:

PROCEEDINGS BY TAXPAYERS AND THIRD PARTIES

PAR. 10. Section 301.7421 is amended by revising subsection (a) of section 7421 and by adding a historical note to read as follows:

§ 301.7421 Statutory provisions; prohibition of suits to restrain assessment or collection.

Sec. 7421. *Prohibition of suits to restrain assessment or collection*—(a) *Tax.* Except as

provided in sections 6212 (a) and (c), 6213 (a), and 7426 (a) and (b)(1), no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.

* * * * *

[Sec. 7421 as amended by sec. 110(c) Federal Tax Lien Act 1966 (80 Stat. 1144)]

PAR. 11. Section 301.7424 is amended to read as follows:

§ 301.7424 Statutory provisions; intervention.

Sec. 7424. *Intervention.* If the United States is not a party to a civil action or suit, the United States may intervene in such action or suit to assert any lien arising under this title on the property which is the subject of such action or suit. The provisions of section 2410 of title 28 of the United States Code (except subsection (b)) and of section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named a defendant in such action or suit. In any case in which the application of the United States to intervene is denied, the adjudication in such civil action or suit shall have no effect upon such lien.

[Sec. 7424 as amended by sec. 108 Federal Tax Lien Act 1966 (80 Stat. 1140)]

PAR. 12. Section 301.7424–1 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and by adding a new paragraph (a). These redesignated and added paragraphs read as follows:

§ 301.7424–1 Civil action to clear title to property.

(a) The provisions of this section shall apply only to civil actions to clear title commenced on or before November 2, 1966. For provisions permitting the United States to be made a party defendant in a proceeding for the foreclosure of a lien upon property where the United States may have claim upon the property involved, see section 2410 of title 28 of the United States Code.

(b) Any person having a lien upon or any interest in the property referred to in section 7403, notice of which has been duly filed of record in the jurisdiction in which the property is located prior to the filing of the notice of the lien of the United States as provided in section 6323, or any person purchasing the property at a sale to satisfy such prior lien or interest, may make a written request to the Commissioner to authorize the filing of a civil action as provided in section 7403.

(c) If the Commissioner fails to authorize the filing of such civil action within 6 months after receipt of such written request, such person or purchaser may, after giving notice to the Commissioner, file a petition in the district court of the United States for the district in which the property is located praying leave to file a civil action for a final determination of all claims to or liens upon the property in question.

PAR. 13. There is inserted immediately after section 301.7424–1 the following new section:

§ 301.7424–2 Intervention.

If the United States is not a party to a civil action or suit, the United States may intervene in such action or suit to assert any lien arising under title 26 of the United States Code on the property which is the subject of such action or suit. The provisions of section 2410 of title 28 of the United States Code (except subsection (b)) and of section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named a defendant in such action or suit. If the application of the United States to intervene is denied, the adjudication in such civil action or suit shall have no effect upon such lien.

PAR. 14. Immediately after section 301.7425 there are added new § 301.7426 and a historical note and new § 301.7426–1 to read as follows:

§ 301.7426 Statutory provisions; civil actions by persons other than taxpayers.

Sec. 7426. *Civil actions by persons other than taxpayers*—(a) *Actions permitted*—(1) *Wrongful levy.* If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) who claims an interest in or lien on such property and that such property was wrongfully levied upon may bring a civil action against the United States in a district court of the United States. Such action may be brought without regard to whether such property has been surrendered to or sold by the Secretary or his delegate.

(2) *Surplus proceeds.* If property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) who claims an interest in or lien on such property junior to that of the United States and to be legally entitled to the surplus proceeds of such sale may bring a civil action against the United States in a district court of the United States.

(3) *Substituted sale proceeds.* If property has been sold pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), any person who claims to be legally entitled to all or any part of the amount held as a fund pursuant to such agreement may bring a civil action against the United States in a district court of the United States.

(b) *Adjudication.* The district court shall have jurisdiction to grant only such of the following forms of relief as may be appropriate in the circumstances:

(1) *Injunction.* If a levy or sale would irreparably injure rights in property which the court determines to be superior to rights of the United States in such property, the court may grant an injunction to prohibit the enforcement of such levy or to prohibit such sale.

(2) *Recovery of property.* If the court determines that such property has been wrongfully levied upon, the court may—

(A) Order the return of specific property if the United States is in possession of such property;

(B) Grant a judgment for the amount of money levied upon; or

(C) Grant a judgment for an amount not exceeding the amount received by the United States from the sale of such property.

For the purposes of subparagraph (C), if the property was declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

(3) *Surplus proceeds.* If the court determines that the interest or lien of any party to an action under this section was transferred to the proceeds of a sale of such property, the court may grant a judgment in an amount equal to all or any part of the amount of the surplus proceeds of such sale.

(4) *Substituted sale proceeds.* If the court determines that a party has an interest in or lien on the amount held as a fund pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), the court may grant a judgment in an amount equal to all or any part of the amount of such fund.

(c) *Validity of assessment.* For purposes of an adjudication under this section, the assessment of tax upon which the interest or lien of the United States is based shall be conclusively presumed to be valid.

(d) *Limitation on rights of action.* No action may be maintained against any officer or employee of the United States (or former officer or employee) or his personal representative with respect to any acts for which an action could be maintained under this section.

(e) *Substitution of United States as party.* If an action, which could be brought against the United States under this section, is improperly brought against any officer or employee of the United States (or former officer or employee) or his personal representative, the court shall order, upon such terms as are just, that the pleadings be amended to substitute the United States as a party for such officer or employee as of the time such action was commenced upon proper service of process on the United States.

(f) *Provision inapplicable.* The provisions of section 7422(a) (relating to prohibition of suit prior to filing claim for refund) shall not apply to actions under this section.

(g) *Interest.* Interest shall be allowed at the rate of 6 percent per annum—

(1) In the case of a judgment pursuant to subsection (b)(2)(B), from the date the Secretary or his delegate receives the money wrongfully levied upon to the date of payment of such judgment; and

(2) In the case of a judgment pursuant to subsection (b)(2)(C), from the date of the sale of the property wrongfully levied upon to the date of payment of such judgment.

(h) *Cross reference.* For period of limitation, see section 6532(c).

[Sec. 7426 as added by sec. 110(a), Federal Tax Lien Act 1966 (80 Stat. 1142)]

§ 301.7426–1 Civil actions by persons other than taxpayers.

(a) *Actions permitted*—(1) *Wrongful levy.* If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) may bring a civil action against the United States in a district court of the United States based upon such person's claim—

(i) That he has an interest in, or a lien on, such property which is senior to the interest of the United States; and

(ii) That such property was wrongfully levied upon.

No action is permitted under section 7426(a)(1) unless there has been a levy upon the property claimed. For example, no cause of action arises under this section where the United States sets-off an amount due to the taxpayer against taxes owed by him since no levy has been made.

(2) *Surplus proceeds.* If property has been sold pursuant to levy, any person (other than the person against whom is assessed the tax out of which such levy arose) may bring a civil action against the United States in a district court of the United States based upon such person's claim that he—

(i) Has an interest in or lien on such property junior to that of the United States; and

(ii) Is entitled to the surplus proceeds of such sale.

(3) *Substituted sale proceeds.* Any person who claims to be legally entitled to all or any part of the amount which is held as a fund from the sale of property pursuant to an agreement described in section 6325(b)(3) may bring a civil action against the United States in a district court of the United States to obtain the relief provided by section 7426(b)(4). It is not necessary that the claimant be a party to the agreement which provides for the substitution of the sale proceeds for the property subject to the lien.

(b) *Adjudication*—(1) *Wrongful levy.* If the court determines that property has been wrongfully levied upon, the court may—

(i) Grant an injunction to prohibit the enforcement of such levy or to prohibit a sale of such property if such sale would irreparably injure rights in the property which are superior to the rights of the United States in such property; or

(ii) Order the return of specific property if the United States is in possession of such property; or

(iii) Grant a judgment for the amount of money levied upon; or

(iv) Grant a judgment for an amount not exceeding the amount received by the United States from the sale of such property (which, in the case of property declared purchased by the United States at a sale, shall be the greater of the minimum amount determined pursuant to section 6335(e) or the amount received by the United States from the resale of such property).

For purposes of this paragraph, a levy is wrongful against a person (other than the taxpayer against whom the assessment giving rise to the levy is made), if (*a*) the levy is upon property exempt from levy under section 6334, or (*b*) the levy is upon property in which the taxpayer had no interest at the time the lien arose or thereafter, or (*c*) the levy is upon property with respect to which such person is a purchaser against whom the lien is invalid under section 6323 or 6324 (a)(2) or (b), or (*d*) the levy or sale pursuant to levy will or does effectively destroy or otherwise irreparably injure such person's interest in the property which is senior to the Federal tax lien. A levy may be wrongful against a holder of a senior lien upon the taxpayer's property under certain circumstances although legal rights to enforce his interest survive the levy procedure. For example, the levy may be wrongful against such a person if the property is an obligation which is collected pursuant to the levy rather than sold and nothing thereafter remains for the senior lienholder, or the property levied upon is of such a nature that when it is sold at a public sale the property subject to the senior lien is not available for the senior lienholder as a realistic source for the enforcement of his interest. Some of the factors which should be taken into account in determining whether property remains or will remain a realistic source from which the senior lienholder may realize collection are: (*1*) The nature of the property, (2) the number of purchasers, (*3*) the value of each unit sold or to be sold, (*4*) whether, as a direct result of the distraint sale, the costs of realizing collection from the security have or will be so substantially increased as to render the security substantially valueless as a source of collection, and (*5*) whether the property subject to the distraint sale constitutes substantially all of the property available as security for the payment of the indebtedness to the senior lienholder.

(2) *Example.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. On April 10, 1972, A makes a $10,000 loan to B which is partially secured by a $5,000 obligation owed to B by C. Under local law, A's security interest in the obligation owed to B by C is protected against a subsequent judgment lien arising out of an unsecured obligation. Thus, under section 6323(h)(1), A's security interest exists as of April 10, 1972, for purposes of determining priorities against a tax lien under section 6323. On April 17, 1972, an assessment of $6,000 is made against B with respect to his delinquent Federal tax liability. Thereafter, notice of lien is filed pursuant to section 6323(f) with respect to B's delinquent tax liability. On July 10, 1972, a notice of levy is served upon C to reach the amount owed by him to B. C pays over the $5,000 obligation in satisfaction of the levy and, under local law, the obligation is discharged as to A. Because the levy effectively destroyed A's senior security interest in the obligation owed to B by C, the levy is wrongful as to A for purposes of section 7426. Under these circumstances, the levy is wrongful with respect to A even if, under local law, A may have a cause of action in contract against B for the $10,000 loan or may have a cause of action in tort against C for the amount of the $5,000 payment which defeated A's security interest in the obligation owed by C to B.

(3) *Surplus proceeds.* If the court determines that the interest or lien of any party to an action under section 7426 was transferred to the proceeds of a sale of the property, the court may grant a judgment in an amount equal to all or any part of the amount of the surplus proceeds of such sale. The term "surplus proceeds" means those proceeds realized on a sale of property remaining after application of the provisions of section 6342(a).

(4) *Substituted sale proceeds.* If the court determines that a party has an interest in or lien on the amount held as a fund pursuant to an agreement described in section 6325(b)(3), the court may grant a judgment in an amount equal to all or any part of the amount of such fund.

PAR. 15. Section 301.7505 is amended to read as follows:

§ 301.7505 Statutory provisions; sale of personal property acquired by the United States.

Sec. 7505. *Sale of personal property acquired by the United States*—(a) *Sale.* Any personal property acquired by the United States in payment of or as security for debts arising under the internal revenue laws may be sold by the Secretary or his delegate in accordance with such regulations as may be prescribed by the Secretary or his delegate.

(b) *Accounting.* In case of the resale of such property, the proceeds of the sale shall be paid into the Treasury as internal revenue collections, and there shall be rendered a distinct account of all charges incurred in such sales.

[Sec. 7505 as amended by secs. 111 (a) and (c) Federal Tax Lien Act 1966 (80 Stat. 1145)]

PAR. 16. Section 301.7505–1 is amended by revising the heading thereof, by revising subparagraph (1) of paragraph (a), and by revising so much of subparagraph (2) of paragraph (a) as precedes subdivision (ii) thereof. These revised provisions read as follows:

§ 301.7505–1 Sale of personal property acquired by the United States.

(a) *Sale*—(1) *In general.* Any personal property (except bonds, notes, checks, and other securities) acquired by the United States in payment of or as security for debts arising under the internal revenue laws may be sold by the district director who acquired such property for the United States. United States savings bonds shall not be sold by the district director but shall be transferred to the appropriate office of the Treasury Department for redemption. Other bonds, notes, checks, and other securities shall be disposed of in accordance with instructions issued by the Commissioner.

(2) *Time, place, manner, and terms of sale.* The time, place, manner, and terms of sale of personal property acquired for the United States shall be as follows:

(i) *Time, notice, and place of sale.* The property may be sold at any time after it has been acquired by the United States. A public notice of sale shall be posted at the post office nearest the place of sale and in at least two other public places. The notice shall specify the property to be sold and the time, place, manner, and

conditions of sale. In addition, the district director may use such other methods of advertising as he believes will result in obtaining the highest price for the property. The place of sale shall be within the internal revenue district where the property was originally acquired by the United States. However, if the district director believes that a substantially higher price may be obtained, the sale may be held outside his district.

* * * * *

PAR. 17. Section 301.7506 is amended by revising subsection (a) of section 7506 and by adding a historical note to read as follows:

§ 301.7506 Statutory provisions; administration of real estate acquired by the United States.

SEC. 7506. *Administration of real estate acquired by the United States*—(a) *Person charged with.* The Secertary or his delegate shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, or which has been redeemed by the United States, and of all trusts created for the use of the United States in payment of such debts due them.

* * * * *

[Sec. 7506 as amended by section 111(b) Federal Tax Lien Act 1966 (80 Stat. 1145)]

PAR. 18. Section 301.7506–1 is amended by revising paragraph (a) to read as follows:

§ 301.7506–1 Administration of real estate acquired by the United States.

(a) *Persons charged with.* The district director for the internal revenue district in which the property is situated shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue or which has been or shall be vested in the United States by mortgage, or other security for payment of such debts, or which has been redeemed by the United States, or which has been or shall be acquired by the United States in payment of or as security for debts arising under the internal revenue laws, and of all trusts created for the use of the United States in payment of such debts due the United States.

* * * * *

PAR. 19. Section 301.7809 is amended by revising subsections (a) and (b) of section 7809, and by revising the historical note. These amended and revised provisions read as follows:

§ 301.7809 Statutory provisions; deposit of collections.

SEC. 7809. *Deposit of collections*—(a) *General rule.* Except as provided in subsections (b) and (c) and in sections 4735, 4762, 7651, 7652, 7654, and 7810, the gross amount of all taxes and revenues received under the provisions of this title, and collections of whatever nature received or collected by authority of any internal revenue law, shall be paid daily into the Treasury of the United States under instructions of the Secretary or his delegate as internal revenue collections, by the officer or employee receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description. A certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer of the United States, designated depository, or proper officer of a deposit bank, shall be transmitted to the Secretary or his delegate.

(b) *Deposit funds.* * * *

(2) *Sums offered for purchase of real estate.* Sums offered for the purchase of real estate under the provisions of section 7506;

(3) *Surplus proceeds in sales under levy.* Surplus proceeds in any sale under levy, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for costs and charges of the levy and sale; and

(4) *Surplus proceeds in sales of redeemed property.* Surplus proceeds in any sale under section 7506 of real property redeemed by the United States, after making allowance for the amount of the tax, interest, penalties, and additions thereto and for the costs of sale.

Upon the acceptance of such offer in compromise or offer for the purchase of such real estate, the amount so accepted shall be withdrawn from such deposit fund account and deposited in the Treasury of the United States as internal revenue collections. Upon the rejection of any such offer the Secretary or his delegate shall refund to the maker of such offer the amount thereof.

* * * * *

[Sec. 7809 as amended by sec. 3(b), Act of Oct. 23, 1962 (Pub. Law 87–870, 76 Stat. 1161) and sec. 112(b) Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 20. Section 301.7810 is added and reads as follows:

§ 301.7810 Statutory provisions; revolving fund for redemption of real property.

SEC. 7810. *Revolving fund for redemption of real property*—(a) *Establishment of fund.* There is established a revolving fund, under the control of the Secretary or his delegate, which shall be available without fiscal year limitation for all expenses necessary for the redemption (by the Secretary or his delegate) of real property as provided in section 7425(d) and section 2410 of title 28 of the United States Code. There are authorized to be appropriated from time to time such sums (not to exceed $1,000,000 in the aggregate) as may be necessary to carry out the purposes of this section.

(b) *Reimbursement of fund.* The fund shall be reimbursed from the proceeds of a subsequent sale of real property redeemed by the United States in an amount equal to the amount expended out of such fund for such redemption.

(c) *System of accounts.* The Secretary or his delegate shall maintain an adequate system of accounts for such fund and prepare annual reports on the basis of such accounts.

[Sec. 7810 as added by sec. 112(a) Federal Tax Lien Act 1966 (80 Stat. 1145)]

[FR Doc.74–6047 Filed 3–14–74;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–9]

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

Recodification of Regulations

The following regulations are hereby recodified from 26 CFR Part 172 and prescribed as 27 CFR Part 72 (a portion of the CFR devoted exclusively to alcohol, tobacco, firearms, and explosives matters, as administered and enforced by the Bureau of Alcohol, Tobacco, and Firearms). The publication of these regulations under Title 27 is a part of a general plan to move all regulations pertaining to the Bureau of Alcohol, Tobacco, and Firearms from Title 26 to Title 27. In addition, several changes are proposed. These are discussed below.

Changes—Necessity for inquiry. Section 72.34 reflects a change in Treasury policy as contained in the notice of change in policy as to mitigation and remission decisions on vehicle forfeitures, issued in the FEDERAL REGISTER for December 15, 1971 (36 FR 23800) relating to the necessity for inquiry.

Changes reflecting Bureau status. The Bureau of Alcohol, Tobacco, and Firearms, formerly a Division of the Internal Revenue Service, was established as a separate Bureau pursuant to Treasury Department Order No. 221 dated June 6, 1972 (37 FR 11696). As a result, the following changes are reflected in new 27 CFR Part 72: (1) In § 72.11, the definitions of "Assistant regional commissioner", "Commissioner", "I.R.C.", "Regional Commissioner", and "Supervisor in Charge" are eliminated; new definitions of "Alcohol, tobacco, and firearms officer" and "Regional director" are added; and the definitions of "Contraband firearms", "Director", "Region", and "U.S.C." are modified. (2) The phrase "Supervisor in Charge" is replaced by the phrase "regional director" wherever it appears in §§ 72.22, 72.23, 72.26, 72.36, 72.39, 72.40, 72.61, 72.63, 72.65, and 72.68. (3) The phrases "officers of the internal revenue service" and "internal revenue officers" are replaced by the phrase "alcohol, tobacco, and firearms officers" in §§ 72.1, 72.21, 72.32, and 72.34. (4) The phrase "regional commissioner of internal revenue" is changed in the definition of "Region" in § 72.11 to read "regional director, Bureau of Alcohol, Tobacco, and Firearms". (5) The phrase "internal revenue laws, and certain other" is eliminated from § 72.21. (6) The phrase "internal revenue laws" is replaced wherever it appears in § 72.22 by the phrase "title 26 U.S.C." (7) The phrase "Internal Revenue Service" is replaced in § 72.22 by the phrase "Bureau of Alcohol, Tobacco, and Firearms". (8) The phrase "Alcohol, Tobacco, and Firearms Division" is eliminated from §§ 72.2, 72.32, 72.33, 72.34, and 72.39.

Other changes. (1) The definition of "Commercial crimes" in § 72.11 is

changed to simplify terminology and to eliminate the reference to "gambling or wagering". The latter change conforms to the Treasury Department's definition of commercial crimes and is already covered in the defiintion as "offenses against the revenue laws". (2) In the definition of "Re-appraisal" in § 72.11, the word "specified" is changed to "written". (3) The phrase "of 1952" is eliminated from the definition of "U.S.C." in § 72.11. (4) In § 72.21, the phrase "40 (explosives), 44 (firearms)" is inserted after the numeral "59"; the phrase "26 U.S.C., chapters 51 (distilled spirits), 52 (tobacco), 53 (firearms); and title" is inserted immediately before the phrase "27 U.S.C."; and the phrase "title 15 U.S.C., chapter 18 (firearms)" is eliminated. (5) The word "custom" is replaced by the word "customs" in subsections 72.22(a)(1), (a)(4), and (a)(5). (6) In subsection 72.22(b), the numeral "(1)" is eliminated and the world "libel" is replaced by the word "forfeiture". (7) in § 72.35, the word "propetry" is changed to its correct spelling, "property". (8) The numeral "(1)" is eliminated from subsections 72.39(b) and 72.40(a). (9) In § 72.41, the word "properly" is changed to "property". (10) In § 72.51, the word "day" is replaced by the phrase "hour or portion thereof", and the phrase "the internal revenue laws" is replaced by the phrase "title 26 U.S.C." (11) Section 72.64 is amended to permit sale by cashier's check, certified check, or postal money order in addition to cash. (12) Subpart G is revised to cover the disposal of forfeited firearms, ammunition, or explosive materials, rather than the destruction of coin-operated gaming devices; since destruction of these devices is now handled exclusively by the Internal Revenue Service.

In consideration of the foregoing, it is proposed that amended 27 CFR Part 72 read as follows:

1. The regulations in this part shall supersede regulations in 26 CFR Part 172 insofar as such regulations relate to activities administered by the Bureau of Alcohol, Tobacco, and Firearms. Such regulations shall remain in effect to the extent that they deal with activities administered by the Internal Revenue Service.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective March 15, 1974.

Subpart A—Scope of Regulations

Sec.
72.1 Procedures relating to personal property and carriers.
72.2 Forms prescribed.

Subpart B—Definitions

72.11 Meaning of terms.

Subpart C—Seizures and Forfeitures

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72.22 Forfeiture of seized personal property and carriers.
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72.25 Deposit of collateral.
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72.33 Form of the petition.
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72.64 Terms of sale.
72.65 Sale of forfeited cigars, cigarettes, and cigarette papers and tubes.
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72.67 Sale on open, competitive bids.
72.68 Sale on sealed, competitive bids.

Subpart G—Disposal of Forfeited Firearms, Ammunition or Explosive Materials

72.81 Authority for disposal.

AUTHORITY: The provisions of this Part 72 issued under sec. 8, 53 Stat. 1293, sec. 1, 62 Stat. 761, as amended, sec. 7805, 68A Stat. 917, sec. 921, 82 Stat. 1214; 49 U.S.C. 788, 18 U.S.C. 1261, 26 U.S.C. 7805, 18 U.S.C. 921, unless otherwise noted.

Subpart A—Scope of Regulations

§ 72.1 Procedures relating to personal property and carriers.

Regulations in this part shall relate to personal property and carriers seized by alcohol, tobacco and firearms officers as subject to forfeiture as being involved, used, or intended to be used, as the case may be, in any violation of Federal laws.

§ 72.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part, or necessary for its administration. Information called for shall be furnished in accordance with the instructions on the forms or issued with respect thereto.

Subpart B—Definitions

§ 72.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol, tobacco, and firearms officer. An officer or employee of the Bureau of Alcohol, Tobacco, and Firearms duly authorized to perform any or all the functions relating to the administration or enforcement of this part.

Appraised value. The value placed upon seized property or carriers by the appraiser or appraisers designated for the purpose of determining whether the property or carriers may be forfeited administratively.

Carrier. A vessel, vehicle, or aircraft seized under title 49 U.S.C., chapter 11 for having been used to transport, carry, or conceal a contraband firearm. Vessels, vehicles, or aircraft seized under other provisions of applicable laws shall be considered personal property.

Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

Contraband firearm. A firearm with respect to which there has been committed a violation of the National Firearms Act (26 U.S.C., chapter 53) or any regulation issued thereunder.

Director. The Director, Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Equity. As used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that interest which a petitioner has in the personal property or carrier petitioned for at the time of final administrative action on the petition, but such interest shall not be considered to include any unearned finance charges from the date of seizure or the date of default, if later; any amount rebatable on account of paid insurance premiums; attorney's fees for collection; any amount identified as dealer's reserve; or any amount in the nature of liquidated damages that may have been agreed upon by the buyer and the petitioner.

Person. An individual, trust, estate, partnership, association, company or a corporation.

Re-appraisal. An up-to-date statutory appraisal to determine the present value of the property or carrier involved in a petition for remission or mitigation of forfeiture made in the same manner as the original appraisal, and performed at the written request of the petitioner whose petition in regard to the property or carrier has been allowed and who, for reasonable cause, is not satisfied that the original appraisal represents the present value of the property or carrier.

Region. The area comprising the geographical jurisdiction of a regional director, Bureau of Alcohol, Tobacco, and Firearms.

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

U.S.C. The United States Code.

Subpart C—Seizures and Forfeitures

§ 72.21 Personal property and carriers subject to seizure.

Personal property may be seized by duly authorized alcohol, tobacco and firearms officers for forfeiture to the United States when involved, used, or intended to be used, in violation of the laws of the United States which such officers are empowered to enforce, including title 18 U.S.C., chapters 40 (explosives), 44 (firearms), 59 (liquor traffic), 229 (liquor); title 26 U.S.C., chapters 51 (distilled spirits), 52 (tobacco), 53 (firearms); and title 27 U.S.C., section 206 (liquor). Carriers, as defined in § 72.11, similarly may be seized when used or intended to be used in violation of title 49 U.S.C., chapter 11 (transportation et cetera of contraband firearms).

§ 72.22 Forfeiture of seized personal property and carriers.

(a) *Administrative forfeiture.* (1) Personal property seized as subject to forfeiture under title 26 U.S.C. which has an appraised value of $2,500.00 or less, and any carrier appraised by the seizing officer at $2,500.00 or less under the customs laws, shall be forfeited to the United States in administrative or summary forfeiture proceedings.

(2) In respect of personal property seized as subject to forfeiture under title 26 U.S.C. which, in the opinion of the seizing officer, has an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized property to be prepared and an appraisement thereof to be made by three sworn appraisers, selected by the seizing officer, who shall be respectable and disinterested citizens of the United States residing within the internal revenue district wherein the seizure was made. Such list and appraisement shall be properly attested to by the seizing officer and such appraisers.

(3) In respect of personal property seized as subject to forfeiture under title 26 U.S.C. and found by the appraisers to have a value of $2,500.00 or less, the regional director shall publish a notice once a week for three consecutive weeks, in some newspaper of the judicial district where the seizure was made, describing the articles and stating the time, place, and cause of their seizure, and requiring any person claiming them to make such claim within 30 days from the date of the first publication of such notice.

(4) In respect of carriers seized as subject to forefeiture under the customs laws which, in the opinion of the seizing officer, have an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized carriers to be prepared and the seizing officer shall make the appraisement thereof. Such list and appraisement shall be properly attested to by the seizing officer.

(5) In respect of carriers seized as subject to forfeiture under the customs laws and appraised by the seizing officer as having a value of $2,500.00 or less, the regional director shall publish a notice of seizure in the same manner as required by subparagraph (3) of this paragraph; provided that the time for making claim shall be within 20 days from the date of first publication. (19 U.S.C. 1608)

(6) Any person claiming the personal property or carrier so seized, within the time specified in the notice, may file with the regional director a claim, stating his interest in the articles or carrier seized, and may execute a bond to the United States in the penal sum of $250.00, conditioned that, in case of condemnation of the articles or carrier so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Both the claim and the cost bond should be executed in quadruplicate.

(b) *Judicial condemnation.* The Regional Counsel, Bureau of Alcohol, Tobacco, and Firearms, shall authorize institution of forfeiture proceedings in those instances where the appraised value of the seized personal property or carrier exceeds $2,500.00, or where a claim and cost bond are filed as provided above.

§ 72.23 Type and conditions of cost bond.

The cost bond delivered by a claimant to effect removal of the forfeiture status of the property or carrier claimed to the jurisdiction of the Federal court for adjudication shall be a corporate surety bond: *Provided, however,* That upon a showing to the satisfaction of the regional director that the claimant is unable to furnish a corporate surety bond such claimant may deliver a cost bond with individual sureties acceptable to the regional director: *Provided further,* That in lieu of a cost bond with corporate or individual sureties the claimant may deposit collateral as provided in § 72.25. The cost bond shall be conditioned that in the case of the condemnation of the property the obligators shall pay all costs and expenses of the proceedings to obtain such condemnation.

§ 72.24 Corporate surety bonds.

Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by Treasury Department Circular 570, and subject to such amendments as may be issued from time to time.

(Sec. 6, 61 Stat. 648, as amended, 68A Stat. 847, as amended; 6 U.S.C. 6, 26 U.S.C. 7101)

§ 72.25 Deposit of collateral.

Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate sureties in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225): *Provided,* That cash, postal money orders, and certified or cashiers' or treasurers' checks may be furnished by claimants as collateral security in lieu of corporate sureties.

(Sec. 15, 61 Stat. 650, 68A Stat. 847, as amended; 6 U.S.C. 15, 26 U.S.C. 7101)

§ 72.26 Bond for return of seized perishable goods.

The proceedings to enforce forfeiture of perishable goods shall be in the nature of a proceeding in rem in the district court of the United States for the district wherein such seizure is made. Whenever such property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the regional director shall advise the owner, when known, of the seizure thereof. The owner may apply to the regional director to have the property examined any time prior to referral of the property to the U.S. Marshal for disposition, and if in the opinion of the regional director it shall be necessary to sell such property to prevent waste or expense, the regional director shall cause the property to be appraised. Thereupon the owner shall have the property returned to him upon giving a corporate surety bond (see § 72.24) in an amount equal to the appraised value of the property, which bond shall be conditioned to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of the appraised value to the regional director, the U.S. Marshal, or otherwise, as may be ordered and directed by the court, which bond shall be filed by the regional director with the U.S. Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property the regional director shall request the U.S. Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(68A Stat. 869, 870, as amended; 26 U.S.C. 7322, 7323, 7324)

Subpart D—Remission or Mitigation of Forfeitures

§ 72.31 Laws applicable.

Remission or mitigation of forfeitures shall be governed by the applicable customs laws.

(Sec. 613, 618, 46 Stat. 756, as amended, 757, as amended, sec. 4, 53 Stat. 1292, sec. 7327, 68A Stat. 871; 19 U.S.C. 1613, 1618, 49 U.S.C. 784, 26 U.S.C. 7327)

§ 72.32 Interest claimed.

Any person claiming an interest in property, including carriers, seized by alcohol, tobacco and firearms officers as subject to administrative forfeiture may file a petition addressed to the Director, for remission or mitigation of the forfeiture of such property.

§ 72.33 Form of the petition.

There is no set or standardized form provided or required by the Department

for use in filing a petition for remission or mitigation of forfeiture. However, it is preferable that the petition be typewritten on legal size paper; and it is necessary that the petition be executed under oath, prepared in triplicate and addressed to the Director, and that all copies of original documents submitted as exhibits in support of allegations of the petition be certified as true and accurate copies of originals. Each copy of the petition must contain a complete set of exhibits.

§ 72.34 Contents of the petition.

(a) *Description of the property.* The petition should contain such a description of the property or carrier and such facts of the seizure as will enable the alcohol, tobacco and firearms officers concerned to identify the property or carrier.

(b) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property or carrier pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 72.35.)

(c) *Interest of petitioner.* The petitioner should state in clear and concise terms the nature and amount of the present interest of the petitioner in the property or carrier, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(d) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure the petition should state how the property or carrier came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property or carrier would be used in violation of law. If known to the petitioner, at the time the petition is filed, that such other person had either a record or a reputation, or both, as a violator in the field of commercial crime, the petition should state whether the petitioner had actual knowledge of such record or reputation, or both, before the petitioner acquired his interest in the property or carrier, before such other person acquired his right in the property or carrier, whichever occurred later. When personal property is seized for violation of the liquor laws, the determining factor will be whether the person dealt with by the petitioner had either a record or a reputation, or both, as a violator of the liquor laws.

(e) *Documents supporting claim.* The petition should also be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators or credit reporting agencies, affidavits, and any other papers or documents that would tend to support the claims made in the petition.

(f) *Costs.* The petition should also contain an undertaking to pay the costs, if costs are assessed as a condition of allowance of the petition. Costs shall include all the expenses incurred in seizing and storing the property or carrier; the costs borne or to be borne by the United States; the taxes, if any, payable by the petitioner or imposed in respect of the property or carrier to which the petition relates; the penalty, if any, asserted by the Director; and, if the property or carrier has been sold, or is in the course of being sold, the expenses so incurred.

§ 72.35 Time of filing petition.

A petition may be filed at any time prior to the sale or other disposition of the property or carrier involved pursuant to administrative forfeiture, but a petition in regard to property or a carrier which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale, and must contain the proof defined in § 72.34(b). Acquisition for official use is equivalent to sale so far as remission or mitigation of any forfeiture is concerned.

(Sec. 306, 49 Stat. 880; 40 U.S.C. 304k)

§ 72.36 Place of filing.

The petition should be filed in triplicate with the regional director for the region in which the seizure was made.

§ 72.37 Discontinuance of administrative proceedings.

If the petition is filed prior to administrative sale or retention for official use, proceedings to effect such sale or retention will be discontinued.

§ 72.38 Return of defective petition.

If the petition is defective in some correctable respect, the original of the petition will be returned by letter to the petitioner for his submission of a corrected petition, in triplicate, within a reasonable time.

§ 72.39 Final action.

(a) *Petitions for remission or mitigation of forfeiture.* (1) The Director shall take final action on any petition filed pursuant to these regulations. Such final action shall consist either of the allowance or denial of the petition. In the case of allowance, the Director shall state the conditions of the allowance.

(2) In the case of an allowed petition, the Director may order the property or carrier returned to the petitioner, sold for the account of the petitioner, or, pursuant to agreement, acquired for official use.

(3) The regional director shall notify the petitioner of the allowance or denial of the petition and, in the case of allowance, the terms and conditions under which the Director allowed the petition.

(b) *Offers in compromise of liability to forfeiture.* The regional director shall take final action on any offer in compromise of the liability to forfeiture of personal property, including carriers, seized as provided in § 72.21. Such action shall consist either of the acceptance or rejection of the offer.

§ 72.40 Acquisition for official use and sale for account of petitioner in allowed petitions.

(a) *Acquisition for official use.* The property or carrier may be purchased by the United States pursuant to agreement and retained for official use. Where the petitioner is the owner, the purchase price is the appraised value of the property or carrier less all costs. Where the petitioner is a creditor, the purchase price is whichever one of these amounts is the smaller: (1) The petitioner's equity, or (2) the appraised value of the property or carrier less the amount of all costs incident to the seizure and forfeiture.

(b) *Sale for account of petitioner.* The petitioner may elect not to comply with the condition on which the property or carrier may be returned. In this event, the regional director is authorized to sell it. Where the petitioner is the owner of the property or carrier, there is deducted from the proceeds of the sale all costs incident to the seizure, forfeiture, and sale, and the regional director pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any. Where the petitioner is a creditor, there is deducted from the proceeds of the sale all costs incident to the seizure, forfeiture, and sale, and the regional director pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any, of the selling price after deduction of all costs incident to the seizure, forfeiture, or sale: *Provided,* That if the amount of such balance exceeds the amount of the equity of the petitioner, only the latter amount is paid to the petitioner.

§ 72.41 Re-appraisal of property involved in an allowed petition.

In determining the nature and extent of the relief to be afforded a petitioner pursuant to allowance of his petition, the value of the property or carrier involved in the allowed petition shall be considered to mean the value placed on said property or carrier pursuant to official appraisal thereof immediately following seizure: *Provided, however,* That if the petitioner desires an up-to-date re-appraisal made of the property or carrier, after notification as to the terms of allowance of the petition, and makes written request therefor, undertaking in said request to pay, or to be liable for, the total costs of such re-appraisal, the property or carrier shall be re-appraised officially in the same manner in which the original appraisal was made, and the terms and conditions of allowance shall stand modified to the extent required by such re-appraisal.

Subpart E—Appraisers Fees

§ 72.51 Rate of compensation.

Each appraiser selected under § 72.22 (a) (2) shall receive compensation of $3.00 per hour or portion thereof for the performance of his duties in appraising property seized as subject to forfeiture under title 26 U.S.C.

(68A Stat. 870, as amended; 26 U.S.C. 7325)

Subpart F—Administrative Sale of Personal Property

§ 72.61 Alternative methods of sale.

When personal property or a carrier forfeited administratively may be sold, the regional director shall cause a notice of sale to be placed in a newspaper of general circulation published in the judicial district wherein the seizure was made. The sale shall not occur in less than 10 days from the date of the publication of the notice. At the discretion of the regional director based upon which method in his sound judgment is most advantageous to the best interests of the United States, the forfeited personal property or carrier may be advertised for sale, and sold, at public auction to the highest bidder on open, competitive bids, or to the highest bidder on sealed, competitive bids.

(68A Stat. 870, as amended; 26 U.S.C. 7325)

§ 72.62 All bids on unit basis.

All competitive bids, whether sealed or otherwise, shall be on a unit basis, i.e. if a number of forfeited automobiles are advertised for sale at the same date, hour and place, whether or not in the same notice of sale, there shall be a separate, individual bid required as to each automobile, and it shall not be permissible to accept one blanket bid to cover the entire group of cars offered for sale.

§ 72.63 Conditions of sale.

(a) *No recourse.* All personal property and carriers to be sold shall be offered for sale "as is" and without recourse against the United States.

(b) *No guarantee.* No guarantee or warranty, expressed or implied, shall be given or understood in respect of any forfeited property or carrier offered for sale.

(c) *No sale.* (1) The United States reserves the right to reject any and all bids received at public auction and in sealed, competitive bid sales.

(2) When "no sale" is declared for property other than cigars, cigarettes, and cigarette papers and tubes, the regional director shall re-advertise the property for sale.

(3) When "no sale" is declared for cigars, cigarettes, or cigarette papers or tubes, such property shall be destroyed or, if fit for human consumption, be given to a Federal or State hospital or institution.

(d) *One bid.* When only one bid is received for a single unit of property or a carrier offered at public auction or in a sealed, competitive bid sale, such bid shall be considered to be and treated as the highest bid received for that property or carrier.

§ 72.64 Terms of sale.

The terms of sale shall be cash, cashier's check, certified check, or postal money order, in the amount of the accepted bid.

§ 72.65 Sale of forfeited cigars, cigarettes, and cigarette papers and tubes.

All cigars, cigarettes, and cigarette papers and tubes shall be sold at a price which will include the tax due and payable thereon. Written, timely notice shall be given by the regional director to the manufacturer of any such forfeited articles offered for sale.

§ 72.66 Publisher entitled to bill of sale.

Each purchaser of administratively forfeited property, including carriers, shall be entitled to receive a suitable and authentic bill of sale on a form to be provided for the purpose.

§ 72.67 Sale on open, competitive bids.

If the personal property or carrier is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour, and place of sale.

§ 72.68 Sale on sealed, competitive bids.

If the property or carrier is to be sold to the highest bidder on sealed, competitive bids, the notice of sale shall so specify, and shall state the date, hour, and place of sale, and the date, hour, and place before the sale when and where the property, including carriers, may be viewed by prospective sealed bidders, and necessary information obtained. All sealed bids must be filed with the regional director before the sale. No bids will be accepted after the sale starts. At the appointed date, hour, and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

Subpart G—Disposal of Forfeited Firearms, Ammunition or Explosive Materials

§ 72.81 Authority for disposal.

Forfeited firearms, ammunition or explosive materials, not the subject of an allowed petition, may only be disposed of in accordance with the provisions of 26 U.S.C. 5872(b) (National Firearms Act).

Because this Treasury decision merely recodifies 26 CFR Part 172 as 27 CFR Part 72 and makes only minor changes therein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective March 15, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

Approved: March 7, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6044 Filed 3-14-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

[S-74-5]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Hazardous Materials

On November 7, 1972 a notice was published in the FEDERAL REGISTER (37 FR 23646) proposing to amend certain provisions in §§ 1910.103, 1910.104, 1910.106, 1910.107 and 1910.110 of 29 CFR Part 1910, pertaining to unattended service stations, inspections of bulk hydrogen and oxygen systems, protection by public fire departments, and several miscellaneous amendments. The notice invited interested persons to submit written data, views and arguments within 30 days. Interested persons were also notified of their right to request a hearing. Several comments were received: there was no request for a hearing.

1. The existing standards, §§ 1910.103(b)(5)(i) and (c)(5)(i), and 1910.104(b)(10)(i), dealing with the inspection and maintenance of storage facilities for hydrogen and oxygen, provide that such facilities must be periodically inspected and maintained by a qualified representative of the supplier. It was proposed to delete the provision that a supplier must perform the inspection and maintenance because it was found that many users possess the capability to perform their own inspections and maintenance. No comment has been received with regard to this proposal. However, several comments were received with regard to the proposal to require monthly inspections. In substance, the comments recommend inspections at different intervals of time. In view of the fact that inspections are made whenever the storage facilities are filled, it has been decided to eliminate the specific requirement for inspection, and simply to require maintenance of the facilities in good working condition.

2. Section 1910.106(a)(27) defines "protection from exposure" to mean "fire protection for structures on property adjacent to tanks." The section further states that "when acceptable to the authority having jurisdiction, such structures located (i) within the jurisdiction of any public fire department or (ii) within or adjacent to plants having private fire brigades shall be considered as having adequate protection for exposures." It was proposed to revoke this clause and to provide that structures located within the jurisdiction of a public fire department having a class 5 or better rating by application of the American Insurance Association Grading Schedule are considered as having such protection. Several comments were received in opposition to this requirement. The comments assert that most fire departments with a class 5 or better rating are located in metropolitan areas, as opposed to rural areas where the tanks in question are often located. This observation appears to be well taken. Therefore, the definition has been revised

in terms of adequate fire protection in general.

3. Section 1910.106(c)(2)(i) requires the use of steel and nodular iron for piping, valves or fittings, with certain exceptions. However, malleable iron has also been used for such devices, with a satisfactory record of performance, for a considerable period of time. For this reason it was proposed to permit the use of malleable iron. No comments were received with regard to this proposal, and the proposal has been adopted.

4. Section 1910.106(d)(7)(ii) provides that when sprinklers are provided as fire protection devices, they shall be installed in an approved manner. It was proposed to require that sprinklers be installed in accordance with § 1910.159 which covers automatic sprinkler systems used in a fire suppression capacity. There were no objections to the proposal, and this has been adopted without change.

5. Section 1910.106(g)(1)(i)(*d*) provides for the temporary use of movable tanks in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles on premises not normally accessible to the public, but only under a permit from the enforcing authority. It was proposed to revoke this provision since it actually requires a variance properly handled in accordance with 29 CFR Part 1905. One comment objects to the revocation of the provision as prohibiting the use of movable skid tanks at construction sites. The objection is not valid because this provision does not cover construction activities, which are governed by 29 CFR 1926.152(g). The provision is revoked.

6. Section 1910.106(g)(1)(i)(*e*)(3) provides that flammable liquids may be dispensed in the open from a tank vehicle to a motor vehicle under certain conditions, one of which is that such motor vehicles are owned or operated by a commercial, industrial or governmental agency. A rule was proposed to delete this requirement because safety of employees does not depend upon ownership of the vehicle. No substantive comments were received and the proposal is adopted.

7. Section 1910.106(g)(3)(iv)(*b*) provides that dispensing devices of Class I liquids must be of an approved type. It was proposed to add the requirement that evidence of listing to fuel dispensing nozzles be affixed in such a way that an attempt to dismantle a nozzle would destroy it, and to prohibit the use of any nozzle which does not have intact evidence of listing. A number of comments were received concerning the time allowed for compliance and the manner in which such evidence of listing should be affixed. Underwriters Laboratories, Inc., has suggested delaying the application of such a requirement until 1979, so that work may be undertaken with manufacturers to devise a reasonable means to comply with the requirement. The suggestion has been accepted, and the adopted rule requires evidence of listing only on nozzles installed after December 31, 1978. Existing nozzles are excepted because of their short useful life.

8. Section 1910.106(g)(3)(vii) provides for the use of special dispensing devices, such as coin-operated or remote preset types, at service stations, provided there is at least one qualified attendant on duty. It was proposed to revoke the requirement of an attendant, and to adopt certain procedures for the safety protection of employees, such as repairmen, who occasionally enter the stations. Numerous comments have been received in opposition to these proposed procedures, and it has been determined that they are not necessary nor appropriate for the safety of such employees occasionally present. Thus, 1910.106(g)(3)(vii) has been simply revoked.

9. Section 1910.107(b)(1) permits spray booths to be substantially constructed of steel not thinner than No. 18 U.S. gauge. It was proposed to delete the specification of No. 18 U.S. gauge, since the substantiality requirement is adequate to insure safety without reference to a specific gauge of steel. There were no substantial objections to the proposal and this has been adopted.

10. Section 1910.107(d)(2) provides, among other things, that all spraying areas must be provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life or property is not endangered. It was proposed to delete the requirement that property be protected, since the Act is not addressed to the protection of property. No comments were received and the proposal is adopted.

11. Section 1910.110(f)(5)(iii) provides that single-strength glass or other similar explosion relieving-construction must be used for a portion of the exterior walls or roof having an area of not less than 10 percent of that of the combined area of the enclosing walls and roof. It was proposed to delete the words "single strength glass" to remove the implication that it is the best method of explosion-relieving construction. One comment was received suggesting that the wording of the proposed revision be changed from "explosion-relieving material" to "explosion-relieving construction." The comment has been accepted.

Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, §§ 1910.103, 1910.104, 1910.106, 1910.107, and 1910.110 of 29 CFR Part 1910 are amended as follows:

1. In § 1910.103, paragraphs (b)(5) and (c)(5) are revised to read as follows:

§ 1910.103 Hydrogen.

* * * * *

(b) *Gaseous hydrogen systems.* * * *

(5) *Maintenance.* The equipment and functioning of each charged gaseous hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. The area within 15 feet of any hydrogen container shall be kept free of dry vegetation and combustible material.

(c) *Liquified hydrogen systems.* * * *

(5) *Maintenance.* The equipment and functioning of each charged liquified hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Weeds or similar combustibles shall not be permitted within 25 feet of any liquified hydrogen equipment.

2. In § 1910.104, paragraph (b)(10) is revised to read as follows:

§ 1910.104 Oxygen.

* * * * *

(b) *Bulk oxygen systems.* * * *

(10) *Maintenance.* The equipment and functioning of each charged bulk oxygen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Wood and long dry grass shall be cut back within 15 feet of any bulk oxygen storage container.

3. In § 1910.106, paragraphs (a)(27), (c)(2)(i) and (ii), and (d)(7)(ii) are revised, paragraph (g)(1)(i)(*d*) and (*e*)(3), and (g)(3)(vii) are revoked, and paragraph (g)(3)(iv)(b) is revised to read as follows:

§ 1910.106 Flammable and combustible liquids.

(a) *Definitions.* * * *

(27) Protection for exposure shall mean adequate fire protection for structures on property adjacent to tanks, where there are employees of the establishment.

* * * * *

(c) *Piping, valves, and fittings.* * * *

(2) *Materials for piping, valves, and fittings*—(i) *Required materials.* Materials for piping, valves, or fittings shall be steel, nodular iron, or malleable iron, except as provided in paragraph (c)(2)(ii), (iii) and (iv) of this section.

(ii) *Exceptions.* Materials other than steel, nodular iron, or malleable iron may be used underground, or if required by the properties of the flammable or combustible liquid handled. Material other than steel, nodular iron, or malleable iron shall be designed to specifications embodying principles recognized as good engineering practices for the material used.

* * * * *

(d) *Container and portable tank storage.* * * *

(7) *Fire control.* * * *

(ii) *Sprinklers.* When sprinklers are provided, they shall be installed in accordance with § 1910.159.

* * * * *

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* * * *

(*d*) [Revoked]

(*e*) * * *

(3) [Revoked]

* * * * *

(3) *Dispensing systems.* * * *

(iv) *Dispensing units.* * * *

(b) (1) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(2) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismounting of the nozzle.

* * * * *

(vii) [Revoked]

* * * * *

4. In § 1910.107, paragraphs (b) (1) and (d) (2) are revised to read as follows:

§ 1910.107 Spray finishing using flammable and combustible materials.

* * * * *

(b) *Spray booths*—(1) *Construction.* Spray booths shall be substantially constructed of steel, securely and rigidly supported, or of concrete or masonry except that aluminum or other substantial noncombustible material may be used for intermittent or low volume spraying. Spray booths shall be designed to sweep air currents toward the exhaust outlet.

* * * * *

(d) *Ventilation.* * * *

(2) *General.* All spraying areas shall be provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life is not endangered. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.

* * * * *

5. In § 1910.110, paragraph (f) (5) (iii) is revised to read as follows:

§ 1910.110 Storage and handling of liquefied petroleum gases.

* * * * *

(f) *Storage of containers awaiting use or resale.* * * *

(5) *Storage within special buildings or rooms.* * * *

(iii) A portion of the exterior walls or roof having an area not less than 10 percent of that of the combined area of the enclosing walls and roof shall be of explosion relieving construction.

* * * * *

Effective date. These amendments shall become effective on June 13, 1974.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C., this 11th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6092 Filed 3-14-74;8:45 am]

PART 1999—PROCEDURE FOR THE PREPARATION AND CIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS

On November 7, 1973, a proposed procedure for the preparation and issuance of environmental impact statements was published in the FEDERAL REGISTER (38 FR 30744), in accordance with the requirements of the August 1, 1973 Guidelines of the Council on Environmental Quality (CEQ) (38 FR 20550). Interested persons were given an opportunity to submit written objections, data, views, and arguments concerning the proposal.

Written comments were received from The Dow Chemical Company, the National Audubon Society, and the Minnesota Public Interest Research Group (MPIRG). Dow urges that the procedures be broadened to include solicitations of economic information. The Audubon Society suggests that (1) the procedure should require the Director of the Office of Standards to confer with CEQ before determining whether an environmental impact statement need be prepared, and that a joint determination be made, and (2) in emergency cases parties that have commented on statements, or citizens or agencies in the area that could be affected by agency action taken under emergency circumstances, be notified that such a determination is pending. MPIRG recommends that the procedure contain provisions similar to those prepared by The Environmental Quality Council Staff in Minnesota on September 5, 1973.

In addition to the written comments received from the public, the proposal was reviewed by the staff of CEQ for compliance with its Guidelines, and by the U.S. Department of Labor's Office of Standards for technical and administrative feasibility.

In view of the small number of changes suggested by the comments received, the procedure has few modifications in its final form.

1. A clarifying change is made in § 1999.2(c), where major actions which are likely to require the preparation of environmental impact statements are identified. Instead of "the promulgation of standards regulating the quality of the environment in workplaces is ordinarily expected to be a major action" the second sentence in paragraph (c) reads, in part, "the promulgation, modification, or revocation of standards regulating environmental hazards to health in the workplace may be a major action." Paragraph (c), as revised, is felt to be a more accurate description of those Occupational Safety and Health Act (OSHA) activities which are likely to require environmental impact statements.

2. In § 1999.3, the provisions that the Director of the Office of Standards shall determine when an environmental impact statement is required have remained unchanged despite the Audubon Society's suggestion that the Director and the CEQ make a joint determination in this regard. The suggestion has not been adopted because the Office of Standards has ultimate responsibility to comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332) in connection with the administration of OSHA, and therefore should have ultimate authority to make the determination required by NEPA.

3. In § 1999.3(d), the first sentence is revised to read, in part, as follows: "Where the Director determines that an impact statement is required, either initially or after a previous determination that one was not required, a short statement indicating the reasons for such a decision * * * shall be published * * *" The amendatory phrase "either initially or after a previous determination that one was not required" makes clear that the Director of the Office of Standards need not be bound by his initial decision not to prepare a statement, if upon reconsideration or on the basis of new information it appears to him that an environmental impact statement is required. Also, the suggestion by Dow to broaden this paragraph is not accepted, because this paragraph, as it stands, requires the solicitation of all relevant information, including economic information.

4. Section 1999.4(h) of the proposed procedure has been amended to state that the Director, to the extent practicable, should make draft environmental impact statements available to the public at least fifteen (15) days prior to the time of hearings on proposed actions which are the subject of such statements. Paragraph (h) now also states that the Director may, where appropriate, hold public hearings solely for the purpose of exploring the environmental impact of a proposed action. Both changes, it is believed, will serve to enhance public participation prior to final agency action. These changes also reflect the emphasis on public participation found in the proposed regulations of the Environmental Quality Council Staff of MPIRG.

5. An additional sentence has been added to § 1999.5(a) to require the Director to set forth in writing his decision not to prepare a final environmental impact statement if he so decides after having circulated for comment a draft impact statement. Such a decision shall be available for public inspection. It is felt that should the Director decide that an environmental impact statement is no longer required, he should set forth in writing the reasons for his decision, which should be available for public inspection.

6. The first sentence in § 1999.5(b) of the proposed procedure has been reworded to insure that the final impact statement will contain an analysis of all significant comments, both comments submitted in writing and those received at a hearing. A comparison of the proposal with the MPIRG regulations suggested the need to clarify this section.

7. Section 1999.6, regarding emergency circumstances, has been changed to reflect the suggestion from the National Audubon Society. The procedure now states that where the Director must take action without complying with this procedure, he shall consult with CEQ regarding alternative procedures, which may include informal consultation with persons likely to be affected by the action.

8. Several editorial changes have been made for reasons which are apparent. The issues discussed above are believed to be the major points brought out by agency review and public comments. Accordingly, after consideration of all comments received and pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), section 2(f) of Executive Order 11514 of March 5, 1970 (3 CFR 1966–1970, Comp. p. 902), and Secretary of Labor's Order No. 12–71 (36 FR 8754), 29 CFR Chapter XVII is amended by adding thereto a new Part 1999, to read as set forth below.

Sec.
1999.1 Purpose and scope.
1999.2 Identification of actions likely to require environmental impact statements.
1999.3 Initial determination of need for an impact statement.
1999.4 Preparation and circulation of draft environmental impact statements.
1999.5 Preparation and circulation of final environmental impact statements.
1999.6 Emergency circumstances.
1999.7 Effect of final impact statements upon agency decisionmaking.
1999.8 Subsequent revisions of this part.

APPENDIX I—SUMMARY TO ACCOMPANY DRAFT AND FINAL IMPACT STATEMENTS

AUTHORITY: Sec. 102, Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4332); EO 11514, 35 FR 4247, 3 CFR 1966–1970, Comp., p. 902; Secretary of Labor's Order No. 12–71 (36 FR 8754).

§ 1999.1 Purpose and scope.

(a) Section 102 of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332) directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in the Act for the preservation of the environment. More particularly, section 102(2)(B) of NEPA requires all Federal agencies to develop methods and procedures, in consultation with the Council on Environmental Quality (Council) which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in agency decisionmaking.

(b) Section 3(h) of Executive Order 11514 of March 5, 1970 (3 CFR 1966–1970, Comp., p. 902) directs the Council to issue guidelines to Federal agencies for the preparation of environmental impact statements. On August 1, 1973, the Council published in final form its revised Guidelines, 40 CFR Part 1500 (38 FR 20550).

(c) The purpose of this part is to prescribe the policies and procedures to be followed when environmental impact statements are to be prepared in connection with the administration of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678).

§ 1999.2 Identification of actions likely to require environmental impact statements.

(a) Section 102(2)(C) of NEPA requires all Federal agencies, including the Occupational Safety and Health Administration (OSHA), to include a detailed environmental impact statement "in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." In addition, OSHA is required, pursuant to 40 CFR 1500.6(c) of the Council's August 1, 1973 Guidelines, to identify those actions it is authorized to take that are likely to require environmental impact statements and those actions that are not likely to require impact statements.

(b) The major activities involved in implementing the Williams-Steiger Occupational Safety and Health Act of 1970 are the promulgation of occupational safety and health standards and the granting of particular variances from the standards, approval of State plans for the development and enforcement of standards, inspection of workplaces for compliance with applicable standards and enforcement proceedings where violations of standards are believed to exist.

(c) Ordinarily, the granting of variances, approval of State plans, inspection and enforcement activities, and requests for appropriations are not expected to be major Federal actions significantly affecting the quality of the human environment. On the other hand, the promulgation, modification, or revocation of standards regulating environmental hazards to health in the workplace may be a major action requiring the preparation of an environmental impact statement. Examples of such standards are those regulating exposure to radiation, excessive noise, and harmful airborne material.

§ 1999.3 Initial determination of need for an environmental impact statement.

(a) Whenever the Occupational Safety and Health Administration is considering a major Federal action, the Director of the Office of Standards shall determine whether an environmental impact statement is required. The Director shall be the official responsible for the preparation and circulation of OSHA's impact statements (draft and final) required by this part. He shall also receive comments on the statements, prepare the comments of OSHA on impact statements of other agencies, and perform all other duties required by NEPA, Executive Order 11514, and the August 1, 1973 Guidelines (40 CFR Part 1500) relating to the administration of the Williams-Steiger Occupational Safety and Health Act of 1970.

(b) The Director shall be responsive to requests by the Council for the preparation of an impact statement, unless he determines that one is not required. In that case, he shall prepare a statement indicating the reasons for such a decision that will be available for public inspection under Part 1913 of this chapter.

(c) If there is potential that a proposed action may significantly affect the human environment or that the environmental impact of the action is likely to be highly controversial, an impact statement shall be prepared. A statement shall also be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from a number of actions which, individually, have a limited environmental effect.

(d) Where the Director determines than an impact statement is required, either initially or after a previous determination that one was not required, a short statement indicating the reasons for such a decision and soliciting comments that may be helpful in preparing a draft impact statement shall be published in the FEDERAL REGISTER as soon as practicable after the determination is made. The statement shall note that (1) a copy of the draft impact statement, once it is prepared, will be available to any member of the public who requests an opportunity to comment on it; (2) any person or agency submitting comments on the draft impact statement to the Director must at the same time forward five (5) copies of the comments to the Council; and (3) a 45 day period will be allowed for the submission of comments on the draft impact statement.

(e) If the Director determines that an impact statement is not required for a proposed action which: (1) Is identified by § 1999.2(c) as an action that may require a statement; (2) is similar to actions which have previously required statements; or (3) was previously announced as the subject of a statement, he shall set forth in writing the decision and the reasons for it, which shall be available for public inspection under Part 1913 of this chapter.

(f) The Director shall maintain a list of proposed actions for which impact statements are under preparation, and a list of determinations under paragraph (e) of this section not to prepare such statements. The lists shall be revised at regular intervals, no less frequently than quarterly each year. The Director shall transmit each such revision to the Council, which will periodically publish such lists in the FEDERAL REGISTER. The lists shall be made available for public inspection under Part 1913 of this chapter.

§ 1999.4 Preparation and circulation of draft environmental impact statements.

(a) After an initial determination of the need for an impact statement, the Director shall prepare and circulate a draft impact statement as early as possible following the close of the period allowed under § 1999.3(d) for public comments, but no less than 90 days before final agency action is taken. Where OSHA is involved with at least one other Federal agency in a major action that

may significantly affect the human environment, the Director shall consider the possibility of joint preparation of an impact statement, or, where appropriate, designation of a single "lead agency" to prepare the statement.

(b) A draft statement must satisfy, at the time the draft is prepared, the requirements established for final statements by section 102(2)(C) of NEPA. The draft impact statement shall include a detailed statement on:

(1) The proposed action, its purposes and the environment that will be affected;

(2) The probable environmental impact of the proposed action and the sources of data used to identify, quantify, and evaluate it;

(3) The relationship, if any, of the proposed action to land use plans, policies, and controls for the affected area;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(5) Any probable adverse environmental effects, including secondary or indirect consequences, which cannot be avoided should the proposal be implemented;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(7) Alternatives to the proposed action including, where relevant, those not within the existing authority of OSHA, that would minimize or avoid its adverse impact; and

(8) The interests and considerations of Federal policy that are thought to offset the adverse environmental effects of the proposed action should the action be adopted.

(c) Highly technical analyses and data shall be avoided in the body of the draft impact statement. Such materials shall be attached as appendices or footnoted with adequate bibliographic references.

(d) Ten copies of the draft impact statement shall be forwarded to the Council, which will publish in the FEDERAL REGISTER a notice of its filing.

(e) The draft statement shall also be circulated for comment, as soon as possible, to all Federal, Federal-State, State, and local agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved. Those agencies and their relevant areas of expertise include those identified in Appendices II and III of the Council's August 1, 1973 Guidelines, 40 CFR Part 1500, (38 FR 20550). Wherever a proposed action relates to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radiation criteria and standards, or other provision of the authority of the Administrator of the Environmental Protection Agency is involved, the Director shall submit such proposed action, and the relative draft impact statement, if any, to the Administrator for review and comment in writing.

(f) Copies of all draft impact statements shall be available to any organization or individual, without charge to the extent practicable, or at a fee which is not more than the actual cost of reproduction. A copy of the draft statement shall in all cases be sent free of charge to any applicant whose proposed action is the subject of the statement.

(g) All agencies and private parties shall be allowed a minimum of 45 days for review and submission of comments regarding a draft statement. The length of the review period shall be calculated from the date of publication in the FEDERAL REGISTER of the Council's listing notifying the public of the issuance of the impact statement. Where the Director determines that a request for an extension of time is meritorious, he may extend the review period. Where no such extension of time has been requested, and no comments have been received within the 45 day period, it may be presumed after 45 days that no agency or party has any comment to make.

(h) In cases where a public hearing is to be held on a proposed action which is the subject of an environmental impact statement, the impact of the proposed action on the environment shall be a proper issue at the hearing. The Director, to the extent practicable, should make the draft environmental impact statement available to the public at least fifteen (15) days prior to the time of such a hearing. Also, the Director may, where appropriate, hold public hearings solely for the purpose of exploring the environmental impact of a proposed action.

(i) The Director shall complete a summary sheet on each draft and final impact statement that shall accompany the statement. Appendix I of this part contains the form to follow for completing such a sheet.

§ 1999.5 Preparation and circulation of final environmental impact statements.

(a) After a draft impact statement has been circulated and at least 45 days have elapsed for review of it, the Director may prepare a final impact statement. If he decides not to prepare a final statement he shall set forth in writing his decision and the reasons for it, which shall be available for public inspection under Part 1913 of this chapter.

(b) The final impact statement shall contain an analysis of all significant comments received, including comments received at a hearing. All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous) shall be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

(c) Ten copies of the final impact statement, together with the substance of all comments received on the draft statement, shall be forwarded to the Council which will publish a notice thereof in the FEDERAL REGISTER.

(d) Copies of final impact statements, with comments attached, shall be sent, where practicable, to all Federal, Federal-State, State, and local agencies and private organizations that made substantial comments on the draft statement and to individuals who requested a copy of the final statement, as well as any applicant whose proposal is the subject of the statement. Copies shall also be sent to all agencies that share jurisdiction and expertise with OSHA in the area that involves the proposed action. (See § 1999.4(e) and Appendices II and III of the Council's Guidelines, 40 CFR Part 1500, (38 FR 20550).)

(e) In all cases, copies of final statements shall be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act.

(f) Once the final statement has been prepared, the Director shall make the statement, the comments received regarding the draft impact statement, and any underlying documents, available to the public pursuant to the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion of intra- or interagency memoranda when such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action, and in accordance with Part 1913 of this chapter. Where appropriate, the Director shall utilize methods, in addition to the Council's noticing of the statement in the FEDERAL REGISTER, to publicize the existence of the environmental impact statement.

(g) In no case shall final agency action be taken sooner than 30 days after the publication in the FEDERAL REGISTER of the Council's listing notifying the public of issuance of the final impact statement, except as otherwise provided in § 1999.6.

(h) The Director may at any time supplement or amend a draft or final impact statement, particularly when substantial changes are made in the proposed action, or significant new information becomes available concerning its environmental impact. In such cases, the Director shall consult with the Council with respect to the possible need for or desirability of recirculation of the statement for an appropriate length of time.

§ 1999.6 Emergency circumstances.

When emergency circumstances, overriding considerations of expense to the Federal government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the requirements of §§ 1999.3, 1999.4 and 1999.5, the Director shall consult as soon as possible with the Council regarding alternative procedures to be followed, which may include informal consultation with persons likely to be affected by the action.

§ 1999.7 Effect of final impact statements upon agency decisionmaking.

In deciding whether to take an action which is the subject of a final impact statement, the Assistant Secretary of

Labor for Occupational Safety and Health will consider the final impact statement and the comments thereon, along with other considerations dictated by the Williams-Steiger Occupational Safety and Health Act of 1970.

§ 1999.8 Subsequent revisions of this part.

Any revision of this part will be proposed and adopted only after prior consultation with the Council and, in the case of substantial revision, opportunity for public comment. All revisions will be published in the FEDERAL REGISTER.

APPENDIX I—SUMMARY TO ACCOMPANY DRAFT AND FINAL IMPACT STATEMENTS

Check one: ( ) Draft. ( ) Final Environmental Impact Statement.

Department of Labor, Occupational Safety and Health Administration, Office of Standards, Applications Research Branch, Room 210, 1726 M Street NW., Washington, D.C. 20210.

(1) Name of action. (Check one) ( ) Administrative action. ( ) Legislative action.

(2) Brief description of action and its purpose, what States are affected, and what other, if any, Federal actions are in the geographical area.

(3) Summary of environmental impacts and adverse environmental impacts and adverse environmental effects.

(4) Summary of major alternatives considered.

(5) (For draft statements) List all Federal, State, Federal-State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, Federal-State, and local agencies and other parties from which written comments have been received.

(6) Date draft statement (and final environmental impact statement, if one has been issued) was made available to the Council and the public and the final date for submission of comments.

Effective date. This Part 1999 shall become effective March 15, 1974.

Signed at Washington, D.C. this 11th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6094 Filed 3-14-74;8:45 am]

Title 32—National Defense

SUBTITLE A—DEPARTMENT OF DEFENSE

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER E—CLAIMS

PART 752—ADMIRALTY CLAIMS

On November 6, 1974, a new chapter XII of the Manual of the Judge Advocate General, Department of the Navy, was promulgated throughout the Navy. This new chapter XII revises admiralty claims regulations and procedures within the naval service. Those portions thereof having general applicability and legal effect constitute a revision of 32 CFR Part 752. Accordingly, effective March 15, 1974, Part 752 of 32 CFR Chapter VI is revised to read as follows:

Sec.
752.1 Scope.
752.2 Organization.
752.3 Claims against the Navy.
752.4 Affirmative claims.
752.5 Salvage.

AUTHORITY: 5 U.S.C. § 301, 10 U.S.C. § 5031, and 10 U.S.C. §§ 7621–7623.

NOTE: This Part 752 is derived from chapter XII of the Manual of the Judge Advocate General.

§ 752.1 Scope.

This part applies to admiralty-tort claims. These include claims against the United States for damage caused by a vessel in the naval service or by other property under the jurisdiction of the Navy, or damage caused by a maritime tort committed by an agent or employee of the Navy, and affirmative claims by the United States for damage caused by a vessel or floating object to Navy property.

§ 752.2 Organization.

(a) *Administrative authority of the Secretary of the Navy.* The Secretary of the Navy has administrative authority for settlement and direct payment, where the amount paid does not exceed $1,000,000 and where the matter is not in litigation, of claims for damage caused by naval vessels or by other property under the jurisdiction of the Navy, or damage caused by a maritime tort committed by an agent or employee of the Navy, and for towage or salvage services rendered to naval vessels (10 U.S.C. 7622 (1970)). The Secretary also has authority to settle affirmative admiralty claims for damage caused by a vessel or floating object to property under the jurisdiction of the Navy (10 U.S.C. 7623 (1970)).

(b) *Admiralty Division of the Office of the Judge Advocate General.* The Navy's admiralty-tort claims are handled in the Admiralty Division of the Office of the Judge Advocate General. In addition, there are stationed in several district law centers, and in certain other commands, judge advocates who are also trained admiralty officers, and they act locally in admiralty matters.

(c) *Mission and policy.* The primary mission of the Admiralty Division is to effect prompt and equitable settlements of admiralty claims, both against and in favor of the United States. The settlement procedure has evolved to eliminate the expenses and delays arising out of litigation and to obtain results advantageous to the financial interests of the United States. Where settlements cannot be made, litigation ensues in the Federal courts. The final test of whether a settlement is justified is the probable result of litigation. Settlements are therefore considered and determined by the probable results of litigation. The policy of the Navy is to effect fair and prompt settlements of admiralty claims wherever legal liability exists.

(d) *Admiralty-tort claims.* As indicated above, the Admiralty Division primarily handles admiralty-tort claims. These are claims for damage caused by vessels in the naval service or by other property under the jurisdiction of the Navy, or damage caused by a maritime tort committed by an agent or employee of the Navy, and claims for damage caused by a privately owned vessel to a vessel or property of the Navy (affirmative claims). The Admiralty Division also handles claims for towage and salvage services rendered to a vessel in the naval service.

(e) *Admiralty-contract claims.* Admiralty-contract claims arising out of the operations of the Military Sealift Command (MSC) are handled by its Office of Counsel. MSC is responsible for the procurement of vessels and space for the commercial ocean transportation of Department of Defense cargo, mail, and personnel. It is also responsible for the maintenance, repair, and alteration of Government-owned vessels assigned to it. The Office of Counsel, MSC, deals with the various claims of a contract nature which arise out of these operations. These include claims for cargo damage, charter hire, redelivery, general average, and claims arising under MSC ship-repair contracts.

(f) *Damage caused by Navy contract stevedores.* Office of Counsel, Naval Supply Systems Command, has cognizance of admiralty claims for damage caused by Navy contract stevedores. Under these stevedore contracts, the stevedoring companies are responsible for negligent acts of their employees which result in vessel damage. It is important that the extent of any such damage be accurately determined and promptly reported to the contracting officer having cognizance of the particular stevedore contract involved.

(g) *Resolving conflicts.* Admiralty-tort claims, such as collision, personal-injury, and death claims, are dealt with by the Admiralty Division, irrespective of whether an MSC vessel or other naval vessel is involved. Whether any particular claim is to be handled by JAG or by MSC, therefore, is determined by the nature of the claim. Cases may arise which could be handled by either office. If doubt exists, such matters should be reported both to JAG and to MSC. An agreement will then be reached between the Admiralty Division and the Office of Counsel, MSC, as to how the incident should be handled.

§ 752.3 Claims against the Navy.

(a) *Settlement authority.* 10 U.S.C. 7622 (1970), as amended by Public Law 92-417, 86 Stat. 654, provides settlement authority for

(1) Damage caused by a vessel in the naval service or by other property under the jurisdiction of the Department of the Navy; (2) compensation for towage or salvage service, including contract salvage, rendered to a vessel in the naval service or to other property under the jurisdiction of the Department of the Navy; or (3) damage caused by a maritime tort committed by any agent or employee of the Department of the Navy or by property under the jurisdiction of the Department of the Navy.

The limit on the Secretary's settlement authority is a payment of $1,000,000. A claim which is settled for an amount over

$1,000,000 is certified to Congress. Section 7622 provides that the Secretary may delegate his settlement authority in matters where the amount to be paid is not over $10,000. Under the Secretary's delegation, settlements not exceeding $10,000 may be effected by the Judge Advocate General, Deputy Judge Advocate General, Assistant Judge Advocate General (Civil Law), and the Deputy Assistant Judge Advocate General (Admiralty). Authority has also been delegated to Commander in Chief, U.S. Naval Forces, Europe, and to Commander, Sixth Fleet, to pay admiralty claims against the Navy not exceeding $1,000, and to Commandant, TENTH Naval District, for damage to fishing equipment arising in Culebra-Vieques waters, not to exceed $1,000.

(b) *Settlement is final.* The legislation specifically authorizes the Secretary to settle, compromise, and pay claims. The settlement, upon acceptance of payment by the claimant, is final and conclusive for all purposes.

(c) *Settlement procedures.* Where the amount paid is over $10,000, after agreement is reached with counsel or claimants, the procedure is to prepare a settlement recommendation for the approval of the Secretary of the Navy. When settlement has been approved, the voucher required for effecting payment is prepared. The settlement check is then exchanged, in keeping with the commercial practice, for executed releases. In some situations, where the exchange of documents is impracticable, a claimant is requested to forward the executed release by mail, on the understanding that the release does not become effective until the check is received in payment. Claims settled under 10 U.S.C. § 7622 are paid out of the appropriation "Claims, Department of Defense."

(d) *Limitation period.* The Secretary's settlement authorization is subject to a two-year limitation. This limitation is not extended by the filing of claim nor by negotiations or correspondence. A settlement agreement must be reached before the end of the two-year period. If settlement is not accomplished, then the claimant must file suit under the appropriate statute to avoid the limitation bar. The agreement reached in negotiations must receive the approval of the Secretary of the Navy or his designee, depending on the amount involved, prior to the expiration of the two-year period.

(e) *Matters in litigation.* When suit is filed, the matter comes within the cognizance of the Department of Justice, and the Secretary of the Navy is no longer able to entertain a claim or to make administrative settlement.

§ 752.4 Affirmative Claims.

(a) *Settlement authority.* The Navy has the same authority to settle affirmative admiralty claims as it does claims against the Navy. The statute conferring this authorization is codified in 10 U.S.C. § 7623 (1970), and is the reciprocal of 10 U.S.C. 7622 (1970), referred to in § 752.3.

(b) *Scope.* 10 U.S.C. 7623 is a tort claims-settlement statute. It is not limited to affirmative claims arising out of collision, but embraces all instances of damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Department of the Navy. Perhaps the most frequent instance is where a privately owned vessel damages a Navy pier or shore structure. To eliminate any issue of whether the damaging instrumentality was a vessel, the words "or floating object" were included.

(c) *Statute of limitation.* The United States is subject to a three-year statute of limitation when it asserts an affirmative claim for money damages grounded in tort. This limitation is subject to the usual exclusions, such as inability to prosecute due to war, unavailability of the "res" or defendant, and certain exemptions from legal process (28 U.S.C. 2415, 2416 (1970)).

(d) *Litigation.* 10 U.S.C. 7623 does not apply to any claim where suit is filed. If the Admiralty Division is unable to effect settlement, the matter is referred to the Department of Justice for the filing of a complaint against the offending party. Thereafter, as in the case of adverse litigated claims, the Navy has no further authority to effect settlement.

§ 752.5 Salvage.

(a) *Scope.* This section relates to salvage claims against or by the Navy for compensation for towage and salvage services, including contract salvage, rendered to a vessel in the naval service or to other property under the jurisdiction of the Department of the Navy, or for salvage services rendered by the Department of the Navy. Suits for salvage may be maintained under the Public Vessels Act, and salvage claims are within the Secretary of the Navy's administrative-settlement authority under 10 U.S.C. 7622. Salvage claims against the Navy are reported to and processed by the Judge Advocate General (Admiralty Division). Both claims and suits for salvage against the United States are subject to the two-year limitation of the Public Vessels Act and the Navy's settlement authority.

(b) *Affirmative claims.* Authorization for the settlement of affirmative salvage claims is contained in 10 U.S.C. 7365 (1970). Prosecution of such claims is handled in the first instance by the Assistant Supervisor of Salvage, U.S. Navy, 17 Battery Place, New York, New York 10004. Salvage claims are referred to the Admiralty Division only if the Assistant Supervisor of Salvage is unsuccessful in making collection. Any money received in settlement of affirmative salvage claims is credited to appropriations for maintaining salvage facilities by the Navy, pursuant to 10 U.S.C. 7367 (1970).

Dated: March 11, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74-5983 Filed 3-14-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Shenandoah National Park

BACKCOUNTRY CAMPING

On September 4, 1973 there was published in the FEDERAL REGISTER (38 FR 23796), a notice of proposed rulemaking with a proposed amendment to 36 CFR. The proposed amendment adding new paragraphs (b), (c), and (d) to § 7.15 would regulate and control camping in the backcountry areas of Shenandoah National Park.

A large number of written and oral comments were received in general support of this rulemaking. As a result of these comments, a number of minor and clarifying revisions have been incorporated to include definitions of "backcountry" and "backcountry camping." Several of the distances have been converted from feet into yards to simplify their estimation, by pacing, in forested areas. The maximum number of persons who may camp together in the backcountry has been increased from 8 to 10 to conform with the Policy Statement on Use of Wilderness Areas by the Boy Scouts of America's National High Adventure Programs Committee.

A sufficient number of respondents expressed concern about the difficulty in finding camping food and beverages in suitable containers, and in the hazards of repackaging canned camping foods, so that the proposed ban on metal containers has been removed in favor of vigorous enforcement of existing anti-littering regulations, and a "carry in-carry out" program.

In that these modifications are minor, and result in rules which are less restrictive than those in the proposed rulemaking, these regulations will become effective March 15, 1974.

Paragraphs (b), (c), and (d) of § 7.15 are added to read as follows:

§ 7.15 Shenandoah National Park.

* * * * *

(b) *Backcountry camping.* For purpurposes of clarification at Shenandoah National Park, "backcountry camping" is defined as any use of portable shelter or sleeping equipment in the backcountry. "Backcountry" is defined as those areas of the park which are more than 250 yards from a paved road, and more than one-half mile from any park facilities other than trails, unpaved roads and trail shelters. The Superintendent may designate areas where backcountry camping is prohibited if there would be potential damage to park resources or disruption to other park uses. Such areas will be marked on maps available in the Superintendent's office, visitor centers and ranger stations. A person or group of persons may camp overnight at any other backcountry location within the park, except:

(1) No person or group of persons travelling together may camp without a valid backcountry camping permit. The issuance of this permit may be denied when such action is necessary to protect park resources or park visitors, or to regulate levels of visitor use in legislatively-designated wilderness areas;

(2) No person may camp in or with a group of more than nine (9) other persons;

(3) No person or group may backcountry camp:

(i) within 250 yards or in view from any paved park road or the park boundary;

(ii) within one-half mile or in view from any automobile campground, lodge, restaurant, visitor center, picnic area, ranger station, administrative or maintenance area, or other park development or facility except a trail, an unpaved road or a trail shelter;

(iii) on or in view from any trail or unpaved road, or within sight of any sign which has been posted by park authorities to designate a no camping area;

(iv) within view of another camping party, or inside or within view from a trail shelter: Provided, however, that backcountry campers may seek shelter and sleep within or adjacent to a trail shelter with other camping groups, during periods of severely unseasonable weather when the protection and amenities of such shelter are deemed essential;

(v) within 25 feet of any stream; and

(4) No person shall backcountry camp more than two (2) consecutive nights at a single location. The term "location" shall mean that particular campsite and the surrounding area within a two hundred fifty (250) yard radius of that campsite.

(c) Fires. (1) No open wood or charcoal fires may be kindled in backcountry areas except in fireplaces provided at trailside shelters.

(d) Sanitation. (1) The possession of food or beverage in discardable glass containers is prohibited in the backcountry. (2) Except in comfort facilities provided therefor, no person in the backcountry shall urinate or defecate within ten (10) yards of any stream, trail, unpaved road or park facility. Fecal material must be placed in a hole and be covered with not less than three (3) inches of soil.

ROBERT R. JACOBSEN,
Superintendent,
Shenandoah National Park.

[FR Doc.74-5986 Filed 3-14-74;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.

DOGS AND CATS

A proposal was published on page 13 of the FEDERAL REGISTER of January 2, 1974, to amend paragraph (h) of § 7.13 of Title 36 of the Code of Federal Regulations.

The purpose of this amendment is to change the restrictions on dogs and cats so that they are no longer allowed on trails and boardwalks. This change should eliminate personal injuries sustained through visitor's efforts to retrieve pets which have gotten loose on trails and boardwalks and have strayed into thermal pools. Additionally, increased use of trails and boardwalks with attendant crowding has created additional conflicts between visitors and pets and has resulted in additional safety problems.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Only one comment, which was not adopted, was received. Hence, the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect March 15, 1974.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; as amended, 16 U.S.C. 26.)

Section 7.13(h) is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(h) *Dogs and cats.* Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only within 100 feet of established roads and parking areas. Dogs and cats are prohibited on established trails and boardwalks.

* * * * *

JACK K. ANDERSON,
Superintendent, Yellowstone
National Park, Wyoming.

[FR Doc.74-5985 Filed 3-14-74;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.

ALCOHOLIC LIQUORS

A proposal was published at page 1777 of the FEDERAL REGISTER of January 14, 1974, to amend paragraph (i) of 36 CFR 7.13.

The purpose of this amendment is to change the definition of a minor as it relates to alcoholic liquors so that it generally conforms to the definitions of minors in the surrounding states for similar purposes.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect March 15, 1974.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; as amended; 16 U.S.C. 26)

Paragraph (i) of § 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(i) Alcoholic Liquors (1) Definitions for the purposes of this section:

(i) The term "minor" means any person under 18 years of age regardless of marital status.

* * * * *

JACK K. ANDERSON,
Superintendent, Yellowstone
National Park, Wyoming.

[FR Doc.74-5984 Filed 3-14-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Dialifor

A petition (PP 3F1298) was filed by Hercules Inc., Wilmington, DE 19899, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorothioate in or on the raw agricultural commodities apples and grapes at 1.5 parts per million; fat, meat, and meat byproducts of poultry at 0.06 part per million; and eggs and pecans at 0.01 part per million.

Subsequently, the petitioner amended the petition by (a) reducing the proposed tolerance for residues in or on grapes and poultry from 1.5 parts per million and 0.6 part per million to 1 and 0.05 part per million, respectively; (b) proposing tolerances for residues of dialifor and its oxygen analog in milk fat and the meat, fat, and meat byproducts of cattle, goats, and sheep at 0.15 part per million; and (c) changing the proposed tolerances of 0.01 per per million for residues in eggs and pecans to 0.01 part per million (negligible residue). (For a related document, see this issue of the FEDERAL REGISTER, page 9931.)

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

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

2. The proposed tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the proposed uses and § 180.6(a)(2) applies.

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

4. The proposed tolerances of 0.15 part per million for residues in the meat, fat, and meat byproducts of cattle, goats, and sheep and 0.05 part per million for residues in the meat, fat, and meat byproducts of poultry are negligible residue tolerances.

5. The proposed tolerance of 0.15 part per million for residues in milk fat reflects negligible residues in whole milk.

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), § 180.326 is revised to read as follows:

§ 180.326 Dialifor; tolerances for residues.

Tolerances are established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phsophorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorothioate in or on raw agricultural commodities as follows:

3 parts per million in or on citrus fruits. 1.5 parts per million in or on apples. 1 part per million in or on grapes.

0.15 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, and sheep.

0.15 part per million in milk fat (reflecting negligible residues in whole milk).

0.05 part per million (negligible residue) in meat, fat, and meat byproducts of poultry.

0.01 part per million (negligible residue) in eggs.

0.01 part per million (negligible residue) in or on pecans.

Any person who will be adversely affected by the foregoing order may at any time on or before April 15, 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 March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6051 Filed 3-14-74;8:45 am]

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

N^3,N^3-Diethyl-2,4-Dinitro-6-(Trifluoromethyl)-m-Phenylenediamine

Two petitions (PPs 3F1397 and 3F1398) were filed by U.S. Borax Research, Anaheim, CA 92801, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide N^3,N^3-diethyl-2, 4-dinitro-6-(trifluoromethyl)-*m*-phenylenediamine in or on sunflower seed at 0.05 part per million (3F1397) and bean vine hay, dried beans, garbanzo beans, green beans, lima beans, lentils, peas, peanuts, peanut hulls and forage, and peanut vine hay at 0.05 part per million (PP 3F1398).

Subsequently, the petitioner amended the petitions by proposing tolerances of 0.05 part per million (negligible residue) for residues in or on sunflower forage (PP 3F1397) and bean and pea forages (PP 3F1398).

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

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

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

4. The existing chemical name in the Code of Federal Regulations should be changed from N^3,N^3-diethyl-2,4-dinitro-6-(trifluoromethyl)-1,3-phenylenediamine to N^3,N^3-diethyl-2,4-dinitro-6-(trifluoromethyl)-*m*-phenylenediamine.

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), § 180.327 is revised in the section heading and text to read as follows:

§ 180.327 N^3,N^3-Diethyl-2,4-dinitro-6-(trifluoromethyl)-*m*-phenylenediamine; tolerances for residues.

Tolerances are established for negligible residues of the herbicide N^3,N^3-diethyl-2,4-dinitro-6-(trifluoromethyl)-*m*-phenylenediamine in or on the raw agricultural commodities bean forage, bean vine hay, cotton forage, cottonseed, dried beans, garbanzo beans, green beans, lima beans, lentils, pea forage, peanuts, peanut hulls and forage, peanut vine hay, peas, sunflower forage and seed, soybean forage, and soybeans at 0.05 part per million.

Any person who will be adversely affected by the foregoing order may at any time on or before April 15, 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 March 15, 1974.

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

Dated: March 12, 1974.

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

[FR Doc.74-6049 Filed 3-14-74;8:45 am]

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

Cross-Linked Nylon-Type Encapsulating Polymer

A petition (PP 3F1361) was filed by Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an inert encapsulating material for formulations of methyl parathion applied to growing alfalfa; corn (field and sweet); cotton; forage grasses; soybeans; peas (before pods form); and barley, oats, wheat (before heads form).

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

1. The pesticide chemical is useful for the purpose for which the exemption is being established.

2. The exemption 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), Part 180 is amended by adding the following new section to Subpart D:

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

The cross-linked nylon-type polymer formed by the reaction of a mixture of

sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of methyl parathion applied to growing alfalfa; corn (field and sweet); cotton; forage grasses; soybeans; peas (applied before pods form); and barley, oats, wheat (applied before heads form).

Any person who will be adversely affected by the foregoing order may at any time on or before April 15, 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 March 15, 1974.

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

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

[FR Doc.74-6052 Filed 3-14-74;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket 2]

PART 254—AGREEMENTS PURSUANT TO SECTION 215 OF THE REGIONAL REORGANIZATION ACT OF 1973

Procedures and Guidelines

Correction

In FR Doc. 74-5487, appearing at page 8919, in the issue for Thursday, March 7, 1974, in § 254.9(d), in the seventh line, insert the word "or" after the word "trustee".

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[S.O. 1176]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of March, 1974.

It appearing, that certain of The Kansas City Southern Railway Company (KCS) lines in Fort Smith, Arkansas, operate through city streets; that the operation of trains on such tracks creates hazards to pedestrian and vehicular traffic using such streets; that the St. Louis-San Francisco Railway Company (SLSF) has consented to the use of certain of its tracks in Fort Smith by the KCS in order to enable the KCS to discontinue operation of its trains through city streets; that operation by the KCS over the aforementioned tracks of the SLSF is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1176 Service Order No. 1176.

(a) *The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company.* The Kansas City Southern Railway Company (KCS) be, and it is hereby, authorized to operate over tracks of the St. Louis-San Francisco Railway Company (SLSF) between chaining station 21962 plus 46 and a point 356 feet south of chaining station 22019 plus 46, a distance of approximately 926 feet, all located at Fort Smith, Arkansas.

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

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 11, 1974.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6091 Filed 3-14-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Izembek National Wildlife Range, Alaska

The following special regulation is issued and is effective March 15, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Boats are permitted on the Izembek National Wildlife Range for public access, use, and recreation subject to the following special condition:

(1) The use of water-jet driven boats or boats driven by air propellers, commonly known as air boats, is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

ROBERT D. JONES, Jr.,
Refuge Manager.

MARCH 5, 1974.

[FR Doc.74-5991 Filed 3-14-74;8:45 am]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wisc.

The following special regulation is issued and is effective on March 15, 1974.

§ 33.5 Special Regulations; sport fishing, for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 15, 1974 through September 15, 1974, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title

50, Part 33, and are effective through September 15, 1974.

ROBERT S. PERSIMONS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

MARCH 6, 1974.

[FR Doc.74-6035 Filed 3-14-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Exemption of Paper and Allied Products and Waste Paper

Correction

In FR Doc. 74-5817 appearing at page 9535 of the issue for Tuesday, March 12, 1974, in § 150.40v, which appears on page 9537, delete the last two lines of paragraph (e) and insert the following: "work performed on and after March 8, 1974."

PART 150—PHASE IV PRICE REGULATIONS

Aluminum and Copper Price Increases

The purpose of these amendments is to clarify further the intent of the Cost of Living Council with respect to § 150.208 of the Phase IV regulations concerning prices for certain basic copper and aluminum products. The Council feels that clarification is needed for two reasons. First, in granting an election of a new base price and limiting any price increases above that level, the Council never intended to limit the volatile pricing authority granted for any aluminum or copper product so long as the firm retained the base price calculated pursuant to § 150.102. Second, the price rules of § 150.208 do not affect pricing authorizations of firms granted loss or low profit status.

Paragraph (d) of § 150.208 is amended to restrict its applicability to prices of aluminum and copper that have been calculated pursuant to paragraph (b) or (c). Hence, firms that have been given volatile pricing authority pursuant to § 150.156 or which price pursuant to § 150.151(2)(iv) for copper and aluminum are free to price without regard to paragraph (d) so long as they keep a base price calculated pursuant to § 150.102. If they elect a base price pursuant to § 150.208 (b) or (c), however, they become subject to the price increase limitation of paragraph (d).

In addition, a new sentence is added to § 150.208(a) clarifying that the regulation is inapplicable to firms that price under the loss or low profit regulation.

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

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective December 6, 1973.

Issued in Washington, D.C., on March 13, 1974.

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

1. Section 150.208 is amended by revisin paragraphs (a) and (d) as follows:

§ 150.208 Aluminum and copper base prices.

(a) *Applicability.* This section applies to that portion of any ore or tailing which is aluminum (bauxite or alumina) or copper. This section applies to any nonferrous metal waste products, by-product residue or basic shape derived from the milling, smelting and refining of aluminum (bauxite or alumina) or copper. The affected ores, metals and products are generally described in Industry Nos. 1021, 1051, 3331, 3334 and 3341 of the Standard Industrial Classification Manual, 1972 Edition. Nothing in this section shall affect firms which price in accordance with § 150.201.

* * * * *

(d) *Limitation on aluminum and copper price increases.* Notwithstanding paragraphs (b) and (c) of this section or any other provision of this title, a firm which manufactures aluminum or copper and which elected to calculate a base price under paragraph (b) or (c) of this section may not charge a price for an item to which this section applies in excess of the base price as calculated in accordance with paragraph (b) or (c) of this section whether or not that firm previously qualified to increase a price pursuant to § 150.151 or Council action under § 150.154 of this title. Any such firm which charges a price in excess of a base price calculated in accordance with paragraph (b) or (c) of this section shall immediately reduce that price to base price and shall remit all revenues derived from charging prices under this section in excess of base prices. Remission of revenues shall be made in the form of refunds to customers who paid prices in excess of base prices or, if those customers are not identifiable, in the form of future sales of the same items at below-base prices to the extent necessary to remit to the same class of customer the revenues derived from charging prices under this section in excess of base prices. In addition, all prenotified proposed price increases above base price levels with respect to items to which this section applies are deferred.

* * * * *

[FR Doc.74-6205 Filed 3-13-74;5:04 pm]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Cement

Section 150.54 is amended to include cement clinker (product of cement kiln) within the cement exemption found in paragraph (t). When prices charged for cement by manufacturers of cement were exempted from the price control regulations, effective November 27, 1973, the Council intended that prices charged for cement clinker be included in the exemption. This amendment, effective the same date, expands the exemption to its intended scope.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of $2,500 for each stabilization violation.

As a complementary action to the exemption from price controls, the Council has also added cement clinker to the definition of "cement" contained in the cement manufacturing industry pay exemption set forth in § 152.34 which was issued and made effective on November 27, 1973. Thus, pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment covered by this addition of cement clinker to the definition of "cement" are exempt (unless a provision of § 152.34 provides otherwise). In addition, since § 152.34 did not contain an effective date provision such provision is now added and it makes clear that the effective date of the original cement manufacturing industry exemption, November 27, 1973, applies as well to an establishment affected by this addition to the definition of "cement."

The Council retains the authority to reestablish price and wage controls over any of the industries exempt by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule

making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective November 27, 1973.

Issued in Washington, D.C. on March 13, 1974.

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

1. In 6 CFR Part 150, § 150.54(t) is amended to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(t) *Cement.* Prices charged for cement by manufacturers of cement as described in the 1973 Annual Book of ASTM standards, under designations for standard specifications C-10 (natural cement), C-91 (masonry cement), C-150 (Portland cement) or C-595 (blended hydraulic cement); calcium aluminate cement, including but not limited to fondue cement and Lumnite cements; cement clinker (product of cement kiln); special portland cements, such as (1) expansive cement, including but not limited to shrinkage compensating, self-stressing, and semi-stressing cements, (2) oil-well cements included in American Petroleum Institute Standard 10A, (3) plastic cements, and (4) regulated-set cements, are exempt.

* * * * *

2. In 6 CFR Part 152, § 152.34 is amended by revising paragraph (b)(2) and by adding a new paragraph (e) to read as follows:

§ 152.34 Cement manufacturing industry.

* * * * *

(b) *Definitions.*

* * * * *

(2) "Cement" means the following product or products defined in the 1973 Annual Book of ASTM Standards under designations of Standard Specifications C-10 (Natural Cement), C-91 (Masonry Cement), C-150 (Portland Cement), or C-595 (Blended Hydraulic Cement); calcium aluminate cement, including but not limited to fondue cement and Lumnite cement; cement clinker (product of cement kiln); and special portland cements such as (i) expansive cements including, but not limited to, shrinkage compensating, self-stressing and semi-stressing cements, (ii) oil-well cements included in American Petroleum Institute Standard 10A, (iii) plastic cements, and (iv) regulated-set cements.

* * * * *

(e) *Effective date.* The exemption provided in this section, including the addition of cement clinker to the definition of "cement" in paragraph (b)(2) of this section, shall be applicable to pay adjustments with respect to work performed on and after November 27, 1973.

[FR Doc.74-6204 Filed 3-13-74;5:02 p.m.]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Fabricated Rubber Products

The purpose of these amendments is to exempt the sale by manufacturers of reclaimed rubber, rubber and plastics hose and belting, and fabricated rubber products from the Phase IV price regulations and to add a parallel exemption under the Phase IV pay regulations.

The raw materials used in the rubber industry are primarily basic petrochemicals. Because serious shortages have developed in the petrochemicals industry, the Council on January 30, 1974, took action to exempt certain petrochemicals and petrochemical feedstocks from price controls and to eliminate the cost-justification and prenotification requirements for other petrochemical items (referred to as "profit-controlled" items). Consistent with those actions, the Council is now taking steps to help certain industries which use petrochemicals to fabricate basic materials such as rubber to adjust to continuing shortages and to higher input prices. In addition to and concurrent with the present amendments, the Council is extending exemption and other relief with respect to the sale of certain plastics and other chemical products in which petrochemicals are used.

Under the present amendments, a new paragraph is added to § 150.54 exempting prices charged by manufacturers for all products in Standard Industrial Classification Manual, 1972 edition, Industry Nos. 3041, "Rubber and Plastics Hose and Belting," 3069, "Fabricated Rubber Products, Not Elsewhere Classified," and 3031, "Reclaimed Rubber." The sale by manufacturers of rubber tires and inner tubes was made exempt on January 30, 1974.

The Council has received commitments from the major firms engaged in manufacturing products in SIC 3041 not to raise wholesale prices more than five percent, on a weighted average basis, until after July 1, 1974.

The fabricated rubber industry, SIC 3069, is a highly competitive industry and no single firm controls a large share of the market. These two factors are expected to restrain future price increases.

Reclaimed rubber, SIC 3031, generally competes with new rubber, both synthetic and natural, as an ingredient in fabricated rubber products. The price of reclaimed rubber subsequent to decontrol will be governed by the prices of natural and synthetic rubber.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales and revenues from the sale or lease of nonexempt items and 90 percent or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a nonexempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of $2,500 for each stabilization violation.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry. The exemption is set forth in new § 152.39b. "Establishment in the rubber manufacturing industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3031 (Reclaimed Rubber), 3041 (Rubber and Plastics Hose and Belting, or 3069 (Fabricated Rubber Products, Not Elsewhere Classified) and primarily engaged in the manufacture of any product classified under such Industry Numbers.

The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the rubber manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be ad-

dressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls in these industries if price or wage behavior is inconsistent with the goals of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 13, 1974.

Issued in Washington, D.C., on March 13, 1974.

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

1. In 6 CFR Part 150, a new paragraph (zz) is added to § 150.54 to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(zz) *Fabricated rubber products.* The prices which manufacturers of the following products charge for those products are exempt: the products described in the SIC Manual, 1972 edition, under Industry Nos. 3031, 3041, and 3069.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39b to read as follows:

§ 152.39b Rubber manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the rubber manufacturing industry.* For purposes of this section, "Establishment in the rubber manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3031 (Reclaimed Rubber), 3041 (Rubber and Plastics Hose and Belting), or 3069 (Fabricated Rubber Products, Not Elsewhere Classified) and primarily engaged in the manufacture of any product classified under such Industry Numbers.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry or in support of such operation only if such employee is employed at an establishment in the rubber manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the rubber manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the rubber manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the rubber manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 13, 1974.

[FR Doc.74-6207 Filed 3-14-74;8:48 am]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Petrochemicals

The Council has previously determined that there are severe shortages of certain petrochemical products which are creating serious market disruptions within the petrochemical industry and other industries which depend upon an adequate supply of petrochemical products for the manufacture of their commodities. Pursuant to amendments effective Janary 30, 1974, which were designed to alleviate these shortages and disruptions, the Council exempted the sale of certain petrochemicals and established "profit controlled" status for others by eliminating the cost-justification and prenotification requirements.

The purposes of these amendments are primarily to help firms adjust to petrochemicals shortages and to eliminate distortions in industries such as plastics fabrication and paints which are dependent upon basic petrochemicals. These new actions will also increase domestic supplies in such areas as inorganic pigments where domestic/international price differentials have encouraged recent upsurges in exports. Under these amendments, exemption and profit-controlled status is extended to the sale of those fabricated products by manufacturers.

These amendments apply to prices charged by the manufacturers of miscellaneous plastic products, surface active agents/finishing agents, adhesives, explosives, paint, inorganic pigments, and gum and wood chemicals. Prices which Price Category II and III manufacturers charge for products listed in the Standard Industrial Classification Manual, 1972 edition, in Industry Nos. 2816, 2843, 2851, 2861, 2891, 2892, and 3079 are exempt. In addition, the cost-justification and prenotification requirements on the same products sold by Price Category I manufacturers are eliminated. As sold by Category I firms, these products are referred to as "profit-controlled" products.

To conform with these amendments, other changes of a technical nature have been made in the Phase IV price regulations.

As a further step to help smaller firms adjust to petrochemicals shortages, the Council has decided to exempt Category II and III sales of the product which were given profit-controlled status under the January 30, 1974, amendments. Under those amendments, certain items were listed as profit-controlled regardless of the category status of the firm involved. The present amendments provide that profit-controlled status continues unchanged with respect to sales of the items concerned by Price Category I firms but that sales by Category II and III firms of the previously profit-controlled products are exempt on the date of these amendments.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales and revenues from the sale or lease of nonexempt items and 90 percent or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by

this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of $2,500 for each stabilization violation.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the chemicals and plastics manufacturing industry. The exemption is set forth in new § 152.39a. "Establishment in the chemicals and plastics manufacturing industry" means an establishment defined in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2816, 2821, 2822, 2823, 2824, 2843, 2851, 2861, 2865, 2869, 2891, 2892, 2893, 2895, or 3079, and primarily engaged in the manufacture of any product classified under such Industry Numbers, or an establishment primarily engaged in the manufacture of a product the sales of which are exempt under § 150.54(dd). The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the chemicals and plastics manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the chemicals and plastics manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 13, 1974.

Issued in Washington, D.C., on March 13, 1974.

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

1. In 6 CFR Part 150, § 150.73(e) is amended to read as follows:

§ 150.73 Price increases.

* * * * *

(e) A price category I firm which is engaged in manufacturing a product described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2821, 2822, 2823, 2824, 2865 (except benzene and toluene), 2869, 2893, and 2895 may charge any price for that product, notwithstanding any other provision of this title except §§ 150.11, 150.54(dd), 150.201, and 150.210. A price category I firm which is engaged in manufacturing a product described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2816, 2843, 2851, 2861, 2891, 2892, and 3079 may charge any price for that product, notwithstanding any other provision of this title except §§ 150.11, 150.201, and 150.210. The products mentioned in this paragraph may be referred to as profit-controlled products.

2-3. Section 150.54 is amended by revising paragraph (dd) and adding paragraph (yy) to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(dd) *Petrochemicals.* Prices charged for ethylene, propylene, butylenes, butadienes, isoprene, acetylene, pentenes, hexenes, heptens, octenes, nonenes, decenes, napthalene (methyl and dimethyl), orthoxylene, meta-xylene, paraxylene, cyclic aliphatics, cresols, and dodecenes are exempt. In addition, the prices which price category II and III manufacturers of the following products charge for those products are exempt: products described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2821, 2822, 2823, 2824, 2865 (except benzene and toluene), 2869, 2893, and 2895.

3. A new paragraph (yy) is added to § 150.54 to read as follows:

(yy) *Certain plastics and chemical products.* Prices which price category II and III manufacturers of the following products charge for those products are exempt: products described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2816, 2843, 2851, 2861, 2891, 2892, and 3079.

4. Section 150.162(b) is amended to read as follows:

§ 150.162 Additional reports and information.

* * * * *

(b) Each price category I and II firm which during its most recently completed fiscal year derived 5 percent or more of its sales and revenues from the sale of profit-controlled products described in the first sentence of § 150.73(e) shall file with the Cost of Living Council not later than March 1, 1974, its customer allocation plans for the distribution of those profit-controlled products for which it is not able to fulfill its current or expected orders. The customer allocation plans shall include:

* * * * *

5. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39a to read as follows:

§ 152.39a Chemicals and plastics manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the chemicals and plastics manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Definition.* For purposes of this section, "Establishment in the chemicals and plastics manufacturing industry" means

(1) an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2816 (Inorganic Pigments), 2821 (Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers), 2822 (Synthetic Rubber—Vulcanizable Elastomers), 2823 (Cellulosic Man-Made Fibers), 2824 (Synthetic Organic Fibers, Except Cellulosic), 2843 (Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants), 2851 (Paints, Varnishes, Lacquers, Enamels, and Allied Products), 2861 (Gum and Wood Chemicals), 2865 (Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners)), 2869 (Industrial Organic Chemicals, Not Elsewhere Classified), 2891 (Adhesives and Sealants), 2892 (Explosives), 2893 (Printing Ink), 2895 (Carbon Black), or 3079 (Miscellaneous Plastics Products), and primarily engaged in the manufacture of products classified under such Industry Numbers; or

(2) an establishment primarily engaged in the manufacture of a product the sales of which are exempt under § 150.54(dd).

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an

establishment in the chemicals and plastics manufacturing industry or in support of such operation only if such employee is employed at an establishment in the chemicals and plastics manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the chemicals and plastics manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the chemicals and plastics manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the chemicals and plastics manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the chemicals and plastics manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 13, 1974.

[FR Doc.74-6206 Filed 3-14-74;8:47 am]

Title 7—Agriculture

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

[Navel Orange Reg. 316]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 15–21, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order 907), regulating the handling of Navel so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.616 Navel Orange Regulation 316.

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

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is sluggish. Prices f.o.b. averaged $3.43 a carton on a reported sales volume of 1,301 carlots last week, compared with an average f.o.b. price of $3.67 per carton and sales of 1,505 carlots a week earlier. Track and rolling supplies at 759 cars were up 47 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until April 15, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 15, 1974, through March 21, 1974, are hereby fixed as follows:

(i) District 1: 1,440,000 cartons;

(ii) District 2: 160,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 14, 1974.

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

[FR Doc.74-6239 Filed 3-14-74;11:44 am]

[Valencia Orange Reg. 455]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 15–21, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.755 Valencia Orange Regulation 455.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order.

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 15, 1974, through March 21, 1974, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 14, 1974.

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

[FR Doc.74–6229 Filed 3–14–74;11:08 am]

[Lemon Reg. 630]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 17–23, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.930 Lemon Regulation 630.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active because of seasonal improvement in sales, particularly on 140's and larger lemons. Demand is somewhat easier on 165's and smaller lemons. Average f.o.b. price was $5.61 per carton the week ended March 9, 1974 compared to $5.51 per carton the previous week. Track and rolling supplies at 122 cars were up 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this

regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 17, 1974, through March 23, 1974, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 13, 1974.

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

[FR Doc.74–6231 Filed 3–14–74;11:39 am]

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 18]

PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted, in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before April 15, 1974. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, on or before April 15, 1974.

In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 26 U.S.C. 7805 (68A Stat. 917).

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: March 8, 1974.

JAMES B. CLAWSON,
Acting Secretary of the Treasury.

Recodification of regulations and transfer of high proof concentrate. As part of a continuing program of the recently established Bureau of Alcohol, Tobacco and Firearms (formerly a Division of the Internal Revenue Service) to reissue all of its regulations under Title 27 of the Code of Federal Regulations (a portion of the CFR devoted exclusively to alcohol, tobacco, firearms and explosives matters, as administered by the Bureau). Part 198 of Subchapter E, Chapter I, Title 26 of the Code of Federal Regulations, is recodified and amended as set forth below. The recodified regulations contain numerous editorial and nomenclature changes, as well as substantive changes designed to allow the transfer of high proof volatile fruit-flavor concentrate from its place of manufacture.

Explanation of substantive changes. This change was drafted as a result of requests from producers of volatile fruit-flavor concentrates for permission to make a concentrate which they consider to be superior to that presently produced, by removal of nearly all the water present in such concentrate. Such a procedure would increase the alcohol content of the concentrate to as much as 70 percent by volume, but would make it unfit for beverage use because of the increased concentration of unpotable natural constituents such as d-limonene. The alcohol content of volatile fruit-flavor concentrate is presently limited to no more than 15 percent by volume, except that concentrate of not more than 24 percent by volume may be transferred to a bonded wine cellar for use in the production of natural wine.

Public Law 240, passed in 1949, first authorized the production of volatile fruit-flavor concentrates outside of a distilled spirits plant. The purpose of that law was to exempt the manufacturer of volatile fruit-flavor concentrates from the gallonage tax on distilled spirits. This exemption applied only if (1) the volatile fruit-flavor concentrate and the mash or juice from which it was produced, contained no more alcohol than was reasonably unavoidable, and (2) the concentrate was rendered unfit for use as a beverage before removal from the place of manufacture. The Committee on Ways and Means commented on the legislation as follows. "As a result of a series of experiments covering several years, there has been developed by the Agricultural Research Administration of the Department of Agriculture a process for the manufacture of volatile fruit-flavor concentrates, especially apple concentrate, for use in flavoring foods and beverages. The process involves recovery of the volatile flavor from fruits or fruit juices, and the concentration thereof by distillation in the manufacture of these volatile flavor concentrates. It has, however, been found to be impossible, for all practical purposes to limit the alcohol content to a maximum of one-half of 1 percent although the presence of alcohol in the concentrated flavor is not deemed necessary nor desirable. Inasmuch therefore, as the distillation process results in the production of concentrated natural fruit flavor containing one-half of 1 percent or more of alcohol, the producer is classified as a 'distiller' and the entire volume of the product is classified as 'distilled spirits' taxable at the rate of [$10.50] per gallon. The imposition of this tax makes the manufacture of the product commercially impracticable and is preventing the development of a promising new industry."

Regulations implementing Public Law 240 provided that a concentrate of not more than six percent alcohol by volume could be removed without denaturation unless the [Director] found it fit for use as a beverage, in which case it had to be rendered unfit before removal. Also, a concentrate containing more than six but not more than 15 percent alcohol by volume could not be removed unless it were rendered unfit for beverage use.

The 1949 law was amended in 1964 to authorize the transfer of volatile fruit-flavor concentrate of not more than 24 percent alcohol by volume, which had not been rendered unfit for human consumption, to a bonded wine cellar for use in the production of natural wine. In commenting on the proposed Bill, the Committee on Ways and Means stated:

> Present law provides that when a volatile fruit-flavor concentrate is removed from a colatile fruit-flavor concentrate plant, the concentrate must be rendered unfit for use as a beverage before removal from the place of manufacturer (Sec. 5511.2) of the code). By regulation, it has been held that a concentrate containing not more than 6 percent alcohol is, for this purpose, considered as a concentrate not fit for use as a beverage. This provision permits the withdrawal from one of these plants of a concentrate with an alcohol content of up to 24 percent by volume where the concentrate is transferred to a bonded wine cellar for use in the production of natural wine as provided in the provisions referred to above. * * * The use of volatile fruit-flavor concentrates to enhance the flavor and bouquet of wines will result in the development of products which vary somewhat from those which have customarily been available. However your committee agrees with the House that there is no reason why winemakers should not be permitted to take advantage of a technological development of this type.

It can be interpreted from the foregoing that the intent of Congress has been to allow for technological advancements in the volatile fruit-flavored concentrate industry, provided that such innovation and improvements resulted in no additional risk to the tax revenue. The process by which high proof volatile

fruit-flavor concentrates would be produced would result in a more stable product with superior flavor. At the same time, concentrate industry members maintain, and our laboratory has confirmed, that the natural denaturants present in the liquid from which citrus volatile fruit-flavor concentrates are distilled are themselves volatile and carry over into the final product, which is therefore naturally unfit for beverage use. Our laboratory has also confirmed that, for all practical purposes, it would be impossible to remove beverage alcohol from high proof concentrate, since many of the chemicals form azeotropes (liquid mixtures that maintain a constant boiling point and that produce a vapor of the same composition as the mixtures) with ethanol and could not be separated by distillation.

Despite the safeguards inherent in the production process itself and in view of the fact that high proof concentrate may be 180° proof or more, we are proposing the following substantive changes in the concentrate regulations to ensure protection of the tax revenue:

(1) A new definition has been added to § 18.11 (formerly § 198.11) which defines "high proof concentrate" as any concentrate having an alcohol content of more than 15 percent by volume but which is deemed unfit for use as a beverage because of its natural constituents;

(2) § 18.26 (formerly § 198.26) has been amended to make it clear that ATF officers may remove samples from concentrate plants for Government testing;

(3) A new § 18.57 has been added to provide details as to information required in a statement of process;

(4) § 18.64 (formerly § 198.61) has been expanded to require more detailed flow plans for the production of high proof concentrate;

(5) A new § 18.67 has been added to allow the regional director to require additional information in support of the plats and plans and require the installation of such security devices as he determines necessary to protect the revenue;

(6) § 18.91 (formerly § 198.81) has been amended to require a bond sufficient to cover the tax liability on any concentrate on hand during a calendar month which contains more than 24 percent alcohol by volume, subject to a maximum bond of $100,000 (the bond requirements for producers of concentrate of 24 percent or less by volume remain unchanged);

(7) § 18.111 (formerly § 198.101) has been expanded to provide for securing all points in the processing of high proof concentrate where such concentrate might be potable;

(8) A new § 18.124 has been added to require the submission and approval of an application and testing of a sample (which must be found to be naturally unfit for beverage use) prior to production of high proof concentrate;

(9) § 18.126 (formerly § 198.115) has been amended to require the showing of number of gallons and percent alcohol by volume on labels affixed to concentrate containers; and

(10) § 18.127 (formerly §§ 198.114 and 198.116) has been amended to require the filing of a notice on Form 3874 on the day of shipment of high proof concentrate and to consolidate the transfer requirements into one section.

Except for the requirement that additional information be shown on concentrate labels, no significant additional requirements are imposed on those concentrate plants who will not be producing "high proof concentrate."

Explanation of other changes. Section numbering has been changed to reflect recodification and to allow room for additional sections if needed. Numerous title and definition changes have been made to reflect the fact that the Bureau of Alcohol, Tobacco and Firearms is no longer a division of the Internal Revenue Service. The word essence has been inserted in parentheses after concentrate in many instances to recognize industry terminology. Other changes have been made to eliminate printing or minor errors not previously corrected and to make this Part more consistent with other regulations administered by the Bureau of Alcohol, Tobacco and Firearms. These latter changes are as follows:

(1) The required plat and plan shall now be filed in duplicate instead of triplicate (§ 18.62) and shall be part of the application on Form 27-G instead of a separate document;

(2) Written notice of any change in control or management of the proprietorship shall be given in duplicate instead of triplicate (§ 18.73);

(3) A proviso has been added to § 18.141, which would allow the regional director to extend the period for which records must be kept up to two additional years; and

(4) The period allowed for submission of monthly reports is extended from ten to fifteen days after the end of the month for which rendered.

In consideration of the foregoing, 26 CFR Part 198 is amended and recodified as 27 CFR Part 18, which reads as set forth below:

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Subpart A—Scope

Sec.
18.1 General.
18.2 Territorial extent.
18.3 Status of existing qualified plants.

Subpart B—Definitions

18.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

18.21 Forms prescribed.
18.22 Other business.
18.23 Alternate methods or procedures; and emergency variations from requirements.
18.24 Approval of documents.
18.25 Installation of meters, tanks, and other apparatus.
18.26 Right of entry and examination.
18.27 Taxable status of stills.
18.28 Unlawful operations.
18.29 Retention of documents.

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Sec.
18.41 Restrictions as to location.
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18.99 Termination of bond.
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Subpart G—Construction and Equipment

18.111 Security.
18.112 Means of ingress and egress.
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18.121 Processing material.
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18.123 Use of concentrates on premises.
18.124 Production of concentrate.
18.125 Adjustments of alcohol content.
18.126 Label.
18.127 Transfer of concentrate.
18.128 Concentrate returned from a bonded wine cellar.

Subpart I—Records and Reports

18.141 Records and reports.
18.142 Photographic copies of records.
18.143 Daily records.
18.144 Monthly report.
18.145 Final report.

Authority: Sec. 7805, 68A Stat. 917; (26 U.S.C. 7805), unless otherwise noted.

Subpart A—Scope

§ 18.1 General.

The regulations in this part relate to the location, construction, arrangement,

equipment, and qualification of plants for the manufacture of volatile fruit-flavor concentrates (essence); and to the production, removal, sale, transportation, and use of such concentrates and of the fruit mash or juice from which such concentrates are produced.

§ 18.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 18.3 Status of existing qualified plants.

Volatile fruit-flavor concentrate plants heretofore qualified to operate on March 1, 1963, may continue to operate, pursuant to their prior qualification, after the effective date of the regulations in this part: *Provided*, That any changes subsequent to that date were in conformity with the requirements of 26 CFR Part 198. All changes in such plants, and all other plants, whether established prior to the effective date of this part or hereafter established, shall be in conformity with this part. Operations of all plants shall be conducted pursuant to the provisions of this part.

Subpart B—Definitions

§ 18.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An Officer or employee of the Bureau of Alcohol, Tobacco, and Firearms duly authorized to perform any function relating to the administration or enforcement of this part.

Bonded wine cellar. Premises established under the provisions of 26 CFR Part 240 for the production, blending, cellar treatment, storage, bottling, or packaging of untaxpaid wine, and includes premises designated as "bonded winery."

Bureau. Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Concentrate. Any volatile fruit-flavor concentrate (essence) produced by any process which includes evaporation from any fruit mash or juice.

Concentrate plant. An establishment qualified under this part for the production of concentrates.

Director. The Director, Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the application, report, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this _____ (insert type of document, such as application or report), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

Flashed mash or juice. The spent fruit mash or juice from which the volatile fruit flavors have been removed.

Fold. The ratio of the volume of the fruit mash or juice to the volume of the concentrate produced from such fruit mash or juice. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

Fruit. All products commonly known and classified as fruit, berries, or grapes.

High proof concentrate. For the purposes of this part, "high proof concentrate" shall mean a concentrate (essence), as defined in this part, having an alcohol content of more than 15 percent by volume but which is deemed unfit for beverage use because of its natural constituents.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Processing material. The fruit mash or juice from which concentrate is to be made.

Proprietor. The person qualified under this part to operate the volatile fruit-flavor concentrate plant.

Regional director. A regional director, who is responsible to, and functions under the direction and supervision of the Director, Bureau of Alcohol, Tobacco, and Firearms.

Registry number. The number assigned to a volatile fruit-flavor concentrate plant by the regional director.

U.S.C. The United States Code.

Subpart C—Administrative and Miscellaneous Provisions

§ 18.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the forms and the instructions thereon or issued in respect thereto, and as required by this part.

§ 18.22 Other business.

The Director may authorize (a) the establishment of a concentrate plant on premises where fruit products, other than concentrates, are made or (b) the carrying on of such other businesses on premises of a concentrate plant where he finds such establishment of a concentrate plant or the carrying on of such other business will not jeopardize the revenue, hinder effective administration of this part, or be contrary to law.

§ 18.23 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The proprietor, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not the contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond shall be authorized under this paragraph. Where the proprietor desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the regional director, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The proprietor shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations, and the proprietor thereupon shall fully comply with the prescribed requirements of regulations from which the variations

were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. When the proprietor desires to employ such variation, he shall submit a written application so to do, in triplicate, to the regional director for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

§ 18.24 Approval of documents.

The regional director is authorized to approve, except as otherwise provided in this part, all qualifying documents, bonds and consents of surety required by this part.

§ 18.25 Installation of meters, tanks, and other apparatus.

The regional director is authorized to require the proprietor to install meters, tanks, pipes, or any other apparatus which the regional director deems advisable for the purpose of protecting the revenue. Any proprietor refusing or neglecting to install such apparatus when so required shall not be permitted to operate.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 18.26 Right of entry and examination.

Any ATF officer may at all times, as well by night as by day, enter any concentrate plant to make examination of the materials, equipment, and facilities thereon; and make such gauges and inventories as he deems necessary. Whenever any ATF officer, having demanded admittance, and having declared his name and office, is not admitted into such premises by the proprietor or other person having charge thereof, he may at all times use such force as is necessary for him to gain entry to such premises.

(72 Stat. 1357, 1392, as amended; 26 U.S.C. 5203, 5511)

§ 18.27 Taxable status of stills.

The special occupational and commodity taxes imposed by 26 U.S.C. 5101 and 5001, shall not be applicable in respect of any stills set up on concentrate plant premises and used in the production of concentrates pursuant to this part.

§ 18.28 Unlawful operations.

A manufacturer of concentrate who violates any of the conditions exempting him from the provisions of 26 U.S.C., chapter 51, will subject himself to the taxes and penalties otherwise applicable under that chapter in respect of such operations; and any person who sells, transports, or uses any concentrate or the mash or juice from which it is produced, in violation of 26 U.S.C. chapter 51, or the regulations promulgated thereunder, will subject himself to all the provisions of that chapter pertaining to distilled spirits and wines, including those requiring the payment of the tax thereon.

(72 Stat. 1314, as amended; 26 U.S.C. 5001)

§ 18.29 Retention of documents.

The proprietor shall maintain a file of approved Forms 27–G, plats, flow plans, bonds, and other documents, on or convenient to the concentrate plant premises, available for inspection by ATF officers.

Subpart D—Location and Use

§ 18.41 Restrictions as to location.

A concentrate plant shall not be established in any dwelling house or on board any vessel or boat, or (except as provided in this subpart) in any building or on any premises where any other business is carried on or where the revenue will be jeopardized or the effective administration of this part will be hindered.

§ 18.42 Use of premises.

The premises and equipment of a concentrate plant shall be used only for the business stated in the approved application for registration. Where the proprietor desires to use such premises and equipment, or any portion thereof, for any business other than that of a manufacturer of concentrates (and activities incident thereto), he shall submit to the Director, through the regional director, a written application, in triplicate, setting forth the type of business he desires to conduct, the buildings and equipment he proposes to use, and the relationship if any, of such business to concentrate plant operations. On approval of the application by the Director, the proprietor shall submit an amended application for registration, Form 27–G, setting forth the type of business to be conducted. Such business may not be carried on until the application, Form 27–G, has been approved by the regional director.

§ 18.43 Concentrate plant located on other premises.

Any person desiring to establish a concentrate plant on premises where fruit products, other than concentrates, are made shall submit to the Director, through the regional director, a written application, in triplicate, setting forth a description of the premises on which he desires to establish the concentrate plant, the type of business conducted thereon, and the relationship, if any, of such business to concentrate plant operations. On approval of the application by the Director, the applicant shall comply with the provisions of Subparts E and F of this part.

Subpart E—Qualification of Volatile Fruit-Flavor Concentrate Plants

§ 18.51 General.

A person shall not engage in the business of manufacturing concentrates unless he has made application for registration, on Form 27–G, to the regional director and has received his approval thereof as provided in this part. Each application shall be executed under penalties of perjury, and all written statements, affidavits, and other documents submitted in support of the application or incorporated by reference shall be deemed to be a part thereof.

§ 18.52 Data for application, Form 27–G.

Applications on Form 27–G shall be prepared in accordance with the headings on the form, and instructions thereon and issued in respect thereto, and shall include the following:

(a) Serial number.

(b) Name and principal business address of the applicant, and the location of the plant if different from the business address.

(c) Statement of purpose for which filed.

(d) Statement of information regarding proprietorship, supported by the organizational documents listed in § 18.54.

(e) Plat and plans (see §§ 18.61 thru 18.66).

(f) Description of plant (see § 18.55).

(g) Description of major apparatus and equipment. List separately each tank, evaporator, and separator by serial number and show the capacity of each in wine gallons. List separately each still and condenser by serial number, kind, capacity and intended use.

(h) Statement of capacity of plant (see § 18.56).

(i) Statement of process to be employed (see § 18.57).

(j) Statement of other business, if any, to be conducted on concentrate plant premises, identifying approved application therefor.

Where any of the information required by paragraph (d) or (e) of this section is on file with the regional director, such information, if accurate and complete, may, by incorporation by reference thereto by the applicant, be made a part of the application. The applicant shall, when so required by the regional director, furnish as a part of his application such additional information as may be necessary for the regional director to determine whether the application should be approved.

§ 18.53 Powers of attorney.

The proprietor shall execute and file with the regional director a Form 1534, in accordance with the instructions on the form for every person authorized to sign or to act on behalf of the proprietor. (Not required for persons whose authority is furnished in the application, Form 27–G.)

§ 18.54 Organizational documents.

The supporting information required by paragraph (d) of § 18.52, includes, as applicable:

(a) Extracts from the articles of incorporation or of the minutes of meetings of the board of directors, authorizing the incumbents of certain offices, or other persons, to sign for the corporation;

(b) Names and addresses of the officers and directors;

(c) Names and addresses of the 10 persons having the largest ownership or

other interest in the corporation, or other legal entity, and the nature and amount of the stockholding or other interest of each, whether said interest appears in the name of the interested party or in the name of another for him; and

(d) In the case of individual owner or partnership, the name and address of every person interested in the concentrate plant, whether such interest appears in the name of the interested party or in the name of another for him.

§ 18.55 Description of plant.

The application, Form 27–G, shall contain a complete description of the buildings constituting or containing the concentrate plant, including the location, dimensions, material of which constructed, and means of protection and security. All rooms or areas comprising the concentrate plant shall be described on Form 27–G. The description shall include the designated name of each room or area, which shall be according to its use, and the dimensions thereof.

§ 18.56 Statement of capacity.

The statement of the capacity of the plant in the application, Form 27–G, shall set forth the kind, by name of fruit, of processing materials to be used, the maximum quantity of each kind of processing material that will be processed in 24 hours, the maximum quantity of concentrates (in wine gallons) that will be produced in 24 hours, and, as to each kind, the minimum and maximum folds to which the volatile fruit-flavors will be concentrated, and the maximum percent of alcohol that will be contained in the concentrates.

§ 18.57 Statement of process.

The statement of process in the application shall set forth a step-by-step description of the process employed to produce fruit concentrates, commencing with the obtaining of the juice from the fruit and continuing through each step of the concentration to the removal of the concentrate from the system. In the case of high proof concentrates (essences) it shall also indicate any step in the process at which any spirits may be potable.

§ 18.58 Registry of stills.

Any stills set up on concentrate plant premises and intended to be used in the production of concentrates shall be registered with the regional director of the region in which located. The listing of stills for production of concentrates in the application, Form 27–G, and the approval of the application shall constitute registration of such stills: *Provided*, That stills set up and registered under regulations in effect prior to the effective date of these regulations shall not be required to be reregistered because of the provisions of this section.

PLATS AND FLOW PLANS

§ 18.61 General requirements.

The proprietor shall submit as part of his application, Form 27–G, a plat of the premises, and flow plans, in duplicate, in conformity with the requirements of this subpart.

§ 18.62 Preparation.

Every plat shall be drawn to scale and shall show the cardinal points of the compass. Each plat, and flow plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the drawings shall be numbered, the first being designated number "1", and the other sheets numbered in consecutive order. The dimensions of the drawings shall be 15" x 20", outside measurement, with a clear margin of at least 1" on each side: *Provided*, That the regional director may authorize the use of larger sheets if they can be satisfactorily filed. The drawings shall be submitted on sheets of good quality white paper, tracing cloth, opaque cloth, sensitized linen, or blueprint paper, and may be original drawings, or, if clear and distinct, reproductions made by lithoprint, ditto, or ozalid processes. The Director may approve other materials and methods which he finds are equally acceptable.

§ 18.63 Depiction of premises.

The plat shall show the outer boundaries of the concentrate plant premises in feet and inches, in a color contrasting with those used for other drawings on the plat, and shall contain an accurate depiction of the building or buildings comprising such premises. The depiction of such premises should agree with the description in the application, Form 27–G. If two or more buildings are to be used, they shall be shown in their relative positions, and the designated name or use of each shall be indicated. All exterior doors on the first floor of each building shall be shown on the plat. If the concentrate plant consists of less than an entire building, the plat shall show the building, the location of the concentrate plant within the building, and the means of ingress from and egress to a public street or yard. Where premises on which distilled spirits, wines, beer, or other liquors are manufactured or produced, stored, used or sold, are contiguous to the concentrate plant, the plat shall show the relative location of the concentrate plant and such contiguous premises, and all pipelines and other connectors, if any, between them (public utility pipelines and similar connections excepted), and the distance they are from each other. The outlines of such contiguous premises and the concentrate plant shall be shown in contrasting colors.

§ 18.64 Flow plans.

Flow plans shall be submitted reflecting the production process and shall show major equipment (identified as to use) in its relative operating sequence, with essential connecting pipelines and valves. Minor equipment (such as pumps, pressure regulators, or rotometers) need not be shown. The direction of flow through the equipment and pipelines shall be indicated by arrows. If high proof concentrate is to be produced, the flow plan must be in such detail as to indicate all steps in the process at which the product might be potable. A separate plan must be submitted for each such process which cannot be accurately depicted in one flow plan.

§ 18.65 Certificate of accuracy.

The plat and plans shall bear a certificate of accuracy in the lower righthand corner of each sheet, signed by the proprietor, substantially as follows:

_____
(Name of proprietor)
_____
(Concentrate Plant No.)
_____
(Address)

Accuracy certified by:

_____
(Name and capacity—
for the proprietor)
_____, 19__

Sheet No.____

§ 18.66 Revised plats and plans.

Any revised plat or plan sheet shall bear the same number as the sheet superseded, but shall be given a new date. Any additional plat or plan sheet shall be given a new number in consecutive order, or shall be otherwise numbered and lettered in such a manner as will permit the filing of the plat or plan in proper sequence.

§ 18.67 Additional requirements.

The regional director may require such additional information in support of the plat and plans as he deems necessary to assure the security of a product which at any point during production may be potable, and may at any time require the installation of such security devices as he determines necessary to protect tax revenues.

CHANGES AFTER ORIGINAL ESTABLISHMENT

§ 18.71 General requirements.

Where there is a change with respect to the information shown in the application, Form 27–G, the proprietor shall (except as otherwise provided in this subpart) submit, within 10 days of such change, an amended application on Form 27–G. Such application may be executed in skeleton form. Items which are correctly set forth in prior applications and remain unchanged may be incorporated in the amended application by reference to the respective application previously filed in which the item is fully and correctly set forth. Such incorporation by reference shall be made by entering for such item in the space provided therefor the statement "No change since filing Form 27–G, Ser. No. ____ (insert serial number)."

§ 18.72 Change in name of proprietor. (72 Stat. 1392 as amended; 26 U.S.C. 5511)

Where there is to be a change in the individual, firm, or corporate name, the proprietor shall file an amended application, Form 27–G; a new bond or consent of surety will not be required. Operations shall not be conducted under

the new name prior to approval of the amended application.

§ 18.73 Change in proprietorship.

(a) *General.* If there is a change in the proprietorship of a concentrate plant, the outgoing proprietor shall comply with the requirements of § 18.80, and the successor shall, before commencing operations, file the required bond, and file application on Form 27–G and receive approval thereof in the same manner as a person qualifying as the proprietor of a new concentrate plant, except that he may adopt the plats and plans of the predecessor as provided in § 18.74. Materials, concentrates, and flashed mash or juice may be transferred from an outgoing proprietor to a successor.

(b) *Fiduciary.* If the successor to the proprietorship of a concentrate plant is an administrator, executor, receiver, trustee, assignee, or other fiduciary, he shall comply with the provisions of paragraph (a) of this section except that he may, in lieu of filing a new bond, furnish consent of surety extending the terms of his predecessor's bond, and he may also incorporate by reference in his application on Form 27–G any pertinent information contained in his predecessors' approved application. The fiduciary shall furnish a certified copy of the order of the court or other pertinent document showing his qualification as such fiduciary. If the fiduciary was appointed by a court, the effective dates of the qualifying documents filed by the fiduciary shall be the effective date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by a court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

(c) *Corporation.* The sale or transfer of the capital stock of a corporation operating a concentrate plant does not constitute a change in the proprietorship of such plant. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor, within 10 days, shall give written notice thereof, in duplicate, to the regional director. A change in stockholders of corporations not constituting a change in control need not be so reported.

§ 18.74 Adoption of plat and plans.

The adoption by a successor of the plat and plans of a predecessor shall be in the form of a certificate to be made part of the application, Form 27–G, in which shall be set forth the identity of the concentrate plant and of the predecessor, and a description (by sheet number and title) of each plat and plan sheet adopted, and a certification that the adopted plat and plans accurately depict the premises.

§ 18.76 Change in location.

If there is a change in the location of a concentrate plant, the proprietor shall file an application to amend his Form 27–G, (including plat and plans), and either a new bond or a consent of surety on Form 1533. Operation of the concentrate plant may not be commenced at the new location prior to approval of the amended application, the new plat and plans, and the new bond or the consent of surety.

§ 18.77 Changes in equipment.

If changes are to be made in the distilling apparatus and equipment, which changes would affect the accuracy of the application (including plat and plans), the proprietor shall, before making such changes secure approval thereof by the regional director pursuant to application, in duplicate, setting forth specifically and in detail the proposed changes: *Provided,* That emergency repairs may be made without prior approval of the regional director. If such emergency repairs are made, the proprietor shall file immediately a report thereof, in duplicate, with the regional director. Changes made under this section shall be reflected in the next amendment of the application, Form 27–G, (including plat and plans) unless the regional director requires the immediate filing of an application.

§ 18.78 Change in process.

Before a proprietor makes any change in his process of manufacture which would affect the accuracy of the statement of process required by §§ 18.52 and 18.57, he shall file an amended application, Form 27–G, to include the amended or new statement of process and the new or amended process may not be used prior to approval of the amended application.

§ 18.79 Suspension and resumption of operations.

Any proprietor desiring to suspend operations for a period of 30 days or more shall give written notice to the regional director of the date operations are to be suspended and the approximate date operations are to be resumed. Where the proprietor wishes to resume operations at an earlier date than stated, he shall give written notice to the regional director to that effect at least 10 days before operations are to be resumed.

§ 18.80 Notice of permanent discontinuance.

Where the proprietor permanently discontinues the business of a concentrate manufacturer, he shall, after completion of his operations, file a Form 27-G to cover such discontinuance, giving the date of the discontinuance.

Subpart F—Bonds and Consents of Surety

§ 18.91 Bond, Form 1694.

(a) *General.* Every person intending to commence the business of manufacturing concentrates shall file bond, Form 1694, with the regional director at the time of filing his original application, Form 27-G, and at such other times as are required by this subpart. Such bond shall be conditioned that each such person shall fully and faithfully comply with all of the requirements of the law and regulations relating to the manufacture, removal, sale, transportation, or use of any concentrate (or any fruit mash or juice from which such concentrate is produced) and shall pay or cause to be paid all taxes, together with penalties and interest, on all such concentrates or any other alcoholic products manufactured, removed, sold, transported, or used by him contrary to law or regulations. No person shall commence or continue the business of manufacturing concentrates until such bond has been approved by the regional director.

(b) *Penal sum of bond.* The penal sum of bond, Form 1694, shall be $5,000 except as follows:

(1) Where high proof concentrates are to be produced in addition to other concentrates the bond, Form 1649, shall be in a sufficient penal sum to equal the tax liability on the maximum quantity of high proof concentrate which will be on hand or unaccounted for at any one time, at the rate prescribed by law as the tax on a proof gallon of distilled spirits, plus $5,000: *Provided,* That the maximum penal sum shall not exceed $105,000; or

(2) Where high proof concentrates only are to be produced, the bond shall be in a sufficient penal sum to equal the tax liability on the maximum quantity of concentrate which will be on hand or unaccounted for at any one time, at the rate prescribed by law as the tax on a proof gallon of distilled spirits; *Provided,* That the maximum penal sum shall not exceed $100,000; or

(3) Where, in any other case, it is the opinion of the regional director that a bond in a larger penal sum or an additional bond should be required for the protection of the revenue, he may require additional bond coverage not to exceed $20,000.

(72 Stat. 1392, as amended; 26 U.S.C. 5511)

§ 18.92 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 18.93 Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The regional director who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 18.94 Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a

manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 18.95 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 18.96 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 18.97 Strengthening bonds.

In any case where the regional director determines under the provisions of § 18.91 that an additional bond should be required, the principal shall either give a strengthening bond with the same surety to attain the penal sum set by the regional director, or give a new bond to cover the entire liability. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the current date of execution and the effective date.

§ 18.98 New bond.

A new bond shall be required in the case of the insolvency or removal or any surety, and may, at the discretion of the regional director, be required in any other contingency affecting the validity or impairing the efficiency of bond given on Form 1694. Where, under the provisions of § 18.100, the surety on a bond, on Form 1694, has filed application to be relieved of liability under such bond and the principal desires to continue the business of a concentrate manufacturer, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. Where a new bond is submitted to supersede a bond or bonds in effect, the new bond shall show the current date of execution and the effective date. If a new bond is not filed when required the principal shall discontinue forthwith operations at his concentrate plant.

TERMINATION OF BONDS

§ 18.99 Termination of Bond.

A bond, Form 1694, may be terminated by the regional director as to future liability pursuant to (a) application by the surety as provided in § 18.100, (b) approval of a superseding bond, or (c) discontinuance of business by the principal.

§ 18.100 Application of surety for relief from bond.

A surety on any bond required by this part may at any time, in writing, notify the principal and the regional director in whose office the bond is on file that he desires, after a date named, to be relieved of liability under such bond. Such date shall not be less than 60 days after the date the notice is received by the regional director. The notice shall be executed in duplicate by the surety, who shall deliver one copy to the principal and one copy to the regional director. The surety shall also file with the regional director an acknowledgment or other proof of service of such notice on the principal. Unless the notice is withdrawn in writing before such date, the rights of the principal as supported by such bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 18.101.

§ 18.101 Relief of surety from bond.

Where the surety has filed application for relief from liability, as provided in § 18.100, and a new or superseding bond has been filed, the surety shall be relieved of liability arising from acts occurring wholly on or subsequent to the effective date of the new or superseding bond. If the concentrate manufacturer files a valid superseding bond on Form 1694 prior to the date named in the surety's notice, the surety shall also be relieved from liability for concentrate and fruit mash or juice on hand at the concentrate plant on such date. If the principal fails to file a superseding bond, the surety, notwithstanding his release from liability as specified above, shall continue to remain liable under the bond for all concentrates and fruit mash or juice on hand at the concentrate plant on such date, until such concentrate and mash or juice have been lawfully disposed of or a new bond has been filed by the principal covering the same.

§ 18.102 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 18.95 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the regional director until liability under the bond for which they were pledged has been terminated. When the regional director is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the regional director may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

Subpart G—Construction and Equipment

§ 18.111 Security.

The concentrate plant and equipment shall be so constructed, arranged, equipped, and protected as to afford adequate protection to the revenue and facilitate inspection by ATF officers. In a plant where high proof concentrate is produced or stored, every step in the process where such concentrate might be potable must be secured in a manner satisfactory to the regional director as provided in Subpart E of this part.

§ 18.112 Means of ingress and egress.

The proprietor shall make provisions to assure that ATF officers have ready ingress to, and egress from, the concentrate plant at any time, and furnish, on request, evidence satisfactory to the regional director that such ingress and egress are assured.

(72 Stat. 1357; 26 U.S.C. 5203)

§ 18.113 Identification of apparatus and equipment.

Each tank or receptacle for concentrate, processing material, or flashed mash or juice shall be marked to show its serial number, capacity, and use. Each still, separator, evaporator, and condenser shall be numbered and marked to show its use. All other major equipment used for manufacturing concentrates shall be identified as to use unless the intended use thereof is readily apparent.

Subpart H—Operations

§ 18.121 Processing material.

A proprietor may produce processing material or receive processing material produced elsewhere. Fermented processing material shall not be used in the manufacture of concentrates. Processing material may be used if it contains no more alcohol than is reasonably unavoidable, and shall be used when produced, or as soon thereafter as practicable. If processing material is removed from the concentrate plant for any purpose whatsoever, the proprietor shall enter in his record required by § 18.143 the kind and quantity so removed, the name and address of the consignee, and the reason for the removal.

§ 18.122 Quantities to be determined.

The proprietor shall determine the number of gallons of processing material fed to the evaporator and the quantity and alcohol content of the concentrate produced therefrom. Such determinations shall be recorded as prescribed in § 18.143.

§ 18.123 Use of concentrates on premises.

Concentrates may be used on the concentrate plant premises in the manufacture of any product made in the conduct of another business authorized to be conducted on concentrate plant premises under the provisions of § 18.22, if such product contains less than one-half of one percent of alcohol by volume.

§ 18.124 Production of high proof concentrate.

(a) *General.* Concentrates having an alcohol content of more than 15 percent by volume, except concentrates not exceeding 24 percent alcohol by volume to be transferred to a bonded wine cellar under the provisions of § 18.127(b), may not be produced (except to furnish the sample required by paragraph (c) of this section) in a volatile fruit-flavor concentrate plant unless such product has been found by the regional director to be unfit

for use as a beverage because of its natural constituents as provided in paragraph (c) of this section.

(b) *Application.* Application on Form ____ must be filed and approved by the regional director before high proof concentrate can be produced. A separate application shall be filed for each kind of such concentrate to be produced.

(c) *Sample.* A one ounce sample of high proof concentrate must be submitted to the regional director for laboratory analysis. If it is found to be naturally (without addition of other substances) unfit for use as a beverage, the regional director may approve the application on Form ____. Such sample must be truly representative of the concentrate to be produced and must be labeled to show:

(1) Name, plant number and address of the producer,

(2) In bold type, HIGH PROOF CONCENTRATE—NOT FOR BEVERAGE USE,

(3) Kind of concentrate,

(4) Percent alcohol by volume, and

(5) Fold.

§ 18.125 Adjustment of alcohol content.

In order to achieve compliance with the limitations of § 18.127 as to the alcohol content of concentrates which may be removed from concentrate plant premises, a proprietor may reduce the alcohol content of any such concentrate to the necessary level by the addition of water if such reduction does not result in a concentrate of less than 100 fold.

§ 18.126 Label.

Each container of concentrate shall have affixed thereto, before removal, a label identifying the product and showing (a) the name of the proprietor; (b) the registry number of the plant; (c) the address of the plant, as shown on the application, Form 27–G; (d) the number of wine gallons; and (e) the percent of alcohol by volume.

§ 18.127 Transfer of concentrate.

(a) *General.* Concentrate fit for use as a beverage or which contains more than 15 percent alcohol by volume may not be removed from its place of manufacture except as provided in paragraphs (b), (c) and (d) of this section. Concentrate containing not more than 15 percent alcohol by volume and which is unfit for use as a beverage may be removed from its place of manufacture as provided in paragraph (e) of this section.

(b) *Transfer to a bonded wine cellar.* Pursuant to an approved application on Form 3873, made as provided for in 26 CFR Part 240, and notice on Form 3874, as provided for in paragraph (d) of this section, concentrate of not more than 24 percent alcohol by volume may be transferred to a bonded wine cellar for use in the production of natural wine.

(c) *Transfer of high proof concentrate.* Pursuant to a notice on Form 3874, high proof concentrate may be transferred from a concentrate plant to a manufacturer using the high proof concentrate for any purpose authorized by law, or for export. Such notice shall be filed in accordance with paragraph (d) of this section.

(d) *Notice of transfer.* When concentrate is transferred under paragraphs (b) and (c) of this section, the proprietor shall give notice thereof on Form 3874 as follows:

(1) *Transfer in the same region.* When concentrate is transferred in the same region, the proprietor shall prepare an original and three copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee and one copy to his regional director, and retain the remaining copy for his files.

(2) *Transfer to another region.* When concentrate is transferred to another region, the proprietor shall prepare an original and four copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee, one copy to the consignee's regional director, and one copy to his own regional director, and retain the remaining copy for his files.

(3) *Transfer out of the United States.* When concentrate is removed for exportation to a foreign country, the proprietor shall prepare an original and two copies of Form 3874 and, on the day of shipment, forward one copy to his regional director and retain the original and remaining copy. As soon as possible after shipment, he shall furnish his regional director with the original of Form 3874 accompanied by the ocean bill of lading, the through or export bill of lading and a statement by the proprietor of the concentrate plant certifying that the product was exported: *Provided,* That the regional director may authorize other proof of exportation acceptable to him.

(e) *Transfers without notice.* Concentrate containing not more than 15 percent alcohol by volume which is unfit for beverage use may be transferred without notice of transfer. Where such concentrate containing not more than 15 percent alcohol has been found to be fit for beverage use, there shall be added to each gallon thereof before removal not less than:

(1) 8 3/10 pounds of sucrose; or

(2) One gallon of concentrated fruit juice of not less than 70 Brix made from the same kind of fruit used in the manufacture of the concentrate; or

(3) 2½ ounces of any of the following;

(i) Malic acid;

(ii) Citric acid; or

(iii) Tartaric acid.

§ 18.128 Concentrate returned from a bonded wine cellar.

(a) *General.* The proprietor of a concentrate plant may accept the return of concentrate shipped by him to a bonded wine cellar. In such case, the proprietor of the concentrate plant shall:

(1) Give written consent to the proprietor of the bonded wine cellar for such return; and

(2) File, with the regional director, a consent of surety extending the terms of his bond, Form 1649, to cover the return of such concentrate to his plant. (He may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such concentrate which may be so returned to him.) If the regional director approves the application of the proprietor of the bonded wine cellar to return the concentrate, he will send a copy of his approval to the proprietor of the concentrate plant.

(b) *Receipt of returned concentrate.* When the returned concentrate is received, the proprietor shall note on both copies of the covering Form 3874 any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to his regional director before the close of the next business day. The quantity of concentrate received shall be recorded in the proprietor's daily records and shall be reported on an unused line on his monthly report, Form 1695.

Subpart I—Records and Reports

§ 18.141 Records and reports.

Each proprietor shall keep records and render reports as required by this part. Such records and copies of applications, notices and reports, shall be maintained on or convenient to the concentrate plant available for inspection by ATF officers during business hours. Such records and copies of applications, notices and reports shall be preserved for a period of not less than two years from the date thereof or the date of the last entry required to be made thereon, whichever is the later: *Provided,* That the regional director may require such records to be kept for an additional period of not exceeding two years in any case where he deems such retention necessary or advisable.

§ 18.142 Photographic copies of records.

Persons who desire to record, copy, or reproduce records required to be preserved under § 18.141 by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the regional director, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The regional director shall not approve any application unless (1) the Director has approved that type of record for reproduction and the reproduction process to be employed, and (2) the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the regional director's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in

conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record" shall mean the record required by this part to be maintained or preserved, even though it may be an executed duplicate or other copy of the document.

§ 18.143 Daily records.

The proprietor shall maintain daily records which show the date of the transaction and which accurately and clearly reflect, by kind and by quantity, the following:

(a) Processing material used.

(b) Processing material removed.

(c) Concentrates produced and the alcohol content thereof.

(d) Concentrate used (by kind) in the manufacture of products at the concentrate plant premises.

(e) Concentrate transferred (by kind) and the percent alcohol by volume thereof.

(f) The name and address of each person to whom such concentrates are shipped and, in the case of concentrates shipped to, or returned by, a bonded wine cellar (1) the registry number of the bonded wine cellar, (2) the variety of grape, the kind and variety of berry, or the kind of fruit (if other than grape or berry), from which the concentrate was produced, (3) the percent of alcohol by volume of the concentrate, and (4) the fold of the concentrate.

(g) Substances received for use in rendering concentrates unfit for use as a beverage.

(h) Substances used in rendering concentrates unfit for use as a beverage or otherwise disposed of.

(72 Stat. 1392; 26 U.S.C. 5511)

§ 18.144 Monthly report.

A monthly report, on Form 1695, of concentrate plant operations shall be prepared in duplicate by each proprietor. Where the proprietor has given notice of suspension of operations in accordance with the provisions of § 18.79, a report on Form 1695 need not be prepared or submitted for any month in which there were no operations. The original of each monthly report shall be forwarded to the regional director not later than the fifteenth day of the month succeeding that for which rendered.

§ 18.145 Final report.

When a change in the proprietorship of the concentrate plant occurs, the outgoing proprietor shall enter on his final report, Form 1695, an account of all concentrates transferred to his successor, who shall in turn enter such items on his report, Form 1695, as received from his predecessor. The outgoing proprietor shall make appropriate notation on all forms and records required to be kept by him, showing the change in proprietorship and the date thereof.

[FR Doc.74-6043 Filed 3-14-74;8:45 am]

Internal Revenue Service

[26 CFR Part 198]

PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Proposed Recodification and Amendment

CROSS REFERENCE: For a document proposing to recodify and amend 26 CFR Part 198 as 27 CFR Part 18 see FR Doc. 74-6043, *supra*.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.6 Charges, of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against lands of the Colorado River Indian Irrigation Project, Arizona, by increasing the annual basic assessment rate for the calendar year 1975 and subsequent years, unless changed by further order, from $11 to $14 per irrigable acre; and § 221.7 Excess Water Charges by increasing the rate from $2 to $3.50 per acre foot for additional water if and when available. The revised sections will read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the Acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385-387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $14 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to, but not in excess of, 8 acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to 5 acre-feet of water per annum per irrigable acre on all other lands. With the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1975 and continue in effect thereafter, until further notice.

§ 221.7 Excess water charge.

Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $3.50 per acre-foot, or fraction thereof.

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 revisions to John Artichoker, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Arizona 85011 on or before April 15, 1974.

JOHN ARTICHOKER,
Area Director.

[FR Doc.74-6034 Filed 3-14-74;8:45 am]

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK

Fishing Restrictions

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM-1 (27 FR 6395), National Park Service Order No. 34 (31 FR 4255) as amended, Regional Director, Midwest Region Order No. 4 (31 FR 5769), as amended, it is proposed to amend 36 CFR 7.13 as set forth below.

The purpose of this amendment is to protect the fishery resource and at the same time provide a high quality angling experience for park visitors. The number of park visitors and subsequent angling pressure continues to increase each year. This increase can be accommodated in a wild trout fishery only by decreasing the number of fish killed by man. It is proposed this amendment would become effective at the start of the 1974 fishing season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyoming 82190, on or before April 15, 1974.

Paragraph (e) of § 7.13 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) FISHING

* * * * *

(3) Closed Waters

* * * * *

(ix) Other Park Waters * * * [Revoked]

* * * * *

(9) Research Areas and Spawning Protection

(i) On other park waters, not specifically identified here, or for certain fish species, the Superintendent may, during the regular fishing season, by the conspicuous posting of signs, shorten or close the season or change daily limits for spawning or research purposes.

ROBERT C. HARADEN,
Acting Superintendent, Yellowstone National Park, Wyoming.

[FR Doc.74-5987 Filed 3-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Miscellaneous Amendments

Notice is hereby given in accordance with the provisions contained in section 553(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in 9 CFR Part 113 issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These amendments would authorize the issuance of technical bulletins to be known as Supplemental Assay Methods (SAMs), standard reference preparations, standard test reagents, and seed virus for laboratory test reagents as aids in conducting required tests.

They would amend the test methods provided in § 113.26 to clarify the use of such methods to test materials used in the preparation of biological products. They would authorize the testing of bulk material to satisfy the lymphoid leukosis requirements for products of avian origin.

The types of cells to be used when testing cell lines for purity would be changed to those more appropriate and would clarify the instructions for their use. Requirements for testing nutrient serum used in medium for growing bacteria would also be added.

1. Section 113.2 is amended to read:

§ 113.2 Testing aids.

To better insure consistent and reproducible test results, Veterinary Services Laboratories, U.S. Department of Agriculture, may provide testing aids, when available, to licensees, permittees, and applicants for licenses and permits. Such aids shall be as follows:

(a) Supplemental Assay Method (SAM) is a technical bulletin containing detailed instructions for conducting an official required test. Such instructions shall be in accordance with the procedures currently being followed at Veterinary Services Laboratories and shall be revised and reissued as improved, proven procedures are developed.

(b) Standard Reference Preparation is a serum, virus, bacterial culture, or antigen to be used in test systems as set forth in Standard Requirements for direct comparison with serials of biological products under test.

(c) Standard Test Reagent is a serum, antitoxin, fluorescent antibody conjugate, toxin, virus, bacterial culture, or antigen to be used in test systems as set forth in Standard Requirements for Supplemental Assay Methods, but not for direct comparison with serials of biological products under test.

(d) Seed Virus for Laboratory Test Reagent is a small quantity of virus to be propagated by the recipient to establish an "in-house" supply for use as a test reagent.

2. The caption and lead paragraph of § 113.26, and the provisions in §§ 113.26 (b)(1), (b)(2), and (c)(3) are amended to read:

§ 113.26 Detection of viable bacteria and fungi except in live vaccine.

Each serial and subserial of biological product except live vaccines shall be tested as prescribed in this section unless otherwise specified by the Deputy Administrator. When materials used in the preparation of a biological product are required to be free of viable bacteria and fungi, they shall also be tested as prescribed in this section.

* * * * *

(b) Test procedure:

(1) The media prescribed in paragraph (a) of this section shall be used in sufficient quantity to negate the bacteriostatic or fungistatic activity in the inoculum as determined in § 113.25(d).

(2) Inoculum:

(i) When completed product is tested, 10 final container samples for each serial and subserial shall be used. Inoculate 1 ml, or entire contents if less than 1 ml, from each sample to a corresponding individual test vessel of culture medium.

(ii) When samples of cell lines or primary cells are tested, a total of 5 ml of resuspended cells shall be used to inoculate 1 to 10 test vessels of culture medium.

* * * * *

(c) * * *

(3) If growth is found in any test vessel of the final test, the serial, subserial, or material to be used in the preparation of a biological product, as the case may be, is unsatisfactory.

3. § 113.31(a)(2) is amended to read:

§ 113.31 Detection of avian lymphoid leukosis.

* * * * *

(a) * * *

(2) When cell cultures are tested, 5 ml of the final cell suspension as prepared for seeding of production cell cultures shall be used as inoculum. When vaccines are tested, the equivalent of 200 doses of Newcastle disease vaccine or 500 doses of other vaccines for use in poultry, or one dose of vaccine for use in other animals shall be used as inoculum. Control cultures shall be prepared from the same cell suspension as the cultures for testing the vaccine.

* * * * *

4. § 113.52(d)(4) is amended to read:

§ 113.52 Requirements for selection of cell lines.

* * * * *

(d) * * *

(4) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells shall be dispensed onto at least one monolayer of cells designated in paragraph (d)(4)(i), (ii), (iii), and (iv) of this section. These cells, as designated, are a mandatory cell requirement. When the species for which the vaccine is used is not represented by the above cells, use of the cells designated in paragraph (d)(4)(v) of this section is also mandatory.

(i) Vero line of African Green Monkey kidney cell line.

(ii) Embryonic bovine kidney cells,

(iii) Neonatal canine kidney cells,

(iv) BHK_{21} hamster kidney cell line, and

(v) Embryonic or neonatal cells of the species for which the vaccine is recommended.

* * * * *

5. The lead paragraph of § 113.53(b) is amended to read:

§ 113.53 Requirements for ingredients of animal origin.

* * * * *

(b) Nutrient serum added to cell culture systems used in the preparation of biological products shall be tested according to the tests prescribed in this paragraph; *Provided*, That, nutrient serum added to medium used for growing bacteria shall also be subjected to the same tests unless such serum of equine origin has been pasteurized at 58° to 59° C for 60 minutes and such serum from other animals has been pasteurized in like manner for 30 minutes.

* * * * *

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before May 15, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of March 1974.

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

[FR Doc.74-6095 Filed 3-14-74;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKET TRANSACTIONS

Restriction at Maximum Daily Price Fluctuation Limits

Notice is hereby given in accordance with administrative procedure provisions of 5 U.S.C. 553 that the Secretary of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. 12a), is considering adding a new § 1.52 to Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to read as set forth below. The purpose of the proposed regulation is to require contract markets to restrict transactions at maximum daily price fluctuation limits to those made for persons seeking to liquidate or cover existing positions. With increasing frequency, futures prices have been trading at the maximum daily upward or downward price limits permitted by the various contract markets' rules. When such limits are reached, persons seeking to reduce their positions to avoid further losses or margin calls must compete for transactions with persons seeking to assume new positions. Under the proposed regulation, when trading is at such limits and hence noncompetitive as to price, contract markets would be required to provide those seeking to get out of the market an opportunity to do so without having to compete with those seeking to assume new positions.

§ 1.52 Contract market rules permitting transactions at maximum daily price fluctuation limits.

No contract market shall permit any member to execute any purchase of any future of any commodity at the maximum upward daily price fluctuation limit permitted by the rules of such contract market or permit any member to execute any sale of any future of any commodity at the maximum downward daily price fluctuation limit permitted by the rules of such contract market except in conformity with written rules of such contract market which have been submitted to and not disapproved by the Secretary of Agriculture and which shall include provisions that:

(a) No member shall execute any purchase of any future at the maximum upward daily price fluctuation limit when such purchase would create a new position for any account owned or controlled by him, nor shall he execute at such price limit any purchase order received from any other person unless such order is in writing and clearly shows that the purchase is to cover a previously held short position; and

(b) No member shall execute any sale of any future at the maximum downward daily price fluctuation limit when such sale would create a new position for any account owned or controlled by him, nor shall he execute at such price limit any sale order received from any other person unless such order is in writing and clearly shows that the sale is to liquidate a previously held long position; and

(c) No member shall prepare or cause to be prepared, or shall transmit or cause to be transmitted to any other person, any written order showing that it is for a purchase to cover a previously held short position or is for a sale to liquidate a previously held long position unless such member knows that such is the case or uses due diligence to ascertain that such is the case.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 1, 1974.

Written statements with reference to the subject matter of this proposal may be submitted by an interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to May 1, 1974.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: March 11, 1974.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.74-6097 Filed 3-14-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE; U.S.-FLAG VESSELS

Availability of Privately Owned Vessels

The Cargo Preference Act of 1954 (section 901(b) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1241 (b)) requires that the agencies of the Federal government take such steps as may be necessary and practicable to assure that at least 50 percent of the gross tonnage of certain Government-generated cargoes are transported on privately owned U.S.-flag commercial vessels to the extent that such vessels are available at fair and reasonable rates for such vessels. That Act also provides that the Secretary of Commerce shall issue regulations governing the administration of cargo preference programs by the agencies and departments having responsibility under the Act.

Pursuant to his authority delegated under Department Organization Order 10-8 (38 FR 19707), the Assistant Secretary of Commerce for Maritime Affairs has promulgated 46 CFR Part 381, covering certain aspects of the cargo preference program. Notice is hereby given of proposed amendments to 46 CFR Part 381 that will cover procedures for determining the availability of privately owned U.S.-flag commercial vessels.

It is proposed to amend 46 CFR Part 381 as follows:

1. By adding a new paragraph (e) to § 381.2 to read as follows:

§ 381.2 Definitions.

* * * * *

(e) "Civilian preference cargo" means cargo described in paragraph (b) of this section except cargo obtained for the account of the Department of Defense or any agency thereof or furnished for the account of any foreign nation by the Department of Defense or any agency thereof.

2. By adding a new § 381.7 to read as follows:

§ 381.7 Availability of U.S.-flag vessels.

(a) Any department or agency having responsibility under the Cargo Preference Act of 1954 that experiences difficulty in filing civilian preference cargo on privately owned U.S.-flag commercial vessels, at fair and reasonable rates for such vessels, shall promptly so advise the Director, Office of Market Development, Maritime Administration, Washington, D.C. 20230, area code 202 967-3325. The Maritime Administration shall promptly investigate the availability of such vessels for the cargo of the responsible department or agency and shall advise such department or agency of its findings.

(b) Vessels under the control of the Department of Defense or any agency thereof, whether owned by or charted to the Department of Defense or any agency thereof, may not be used for the transportation of civilian preference cargo without the prior approval of the Assistant Secretary of Commerce for Maritime Affairs.

Interested persons are invited to submit their comments and views on the proposed regulations, in duplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. All material received on or before April 22, 1974 will be considered. Except where it is requested that such material not be disclosed, comments submitted in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

(Secs. 204(b), 212(d), 901(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114, 1122, 1241), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by P.L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: March 12, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.74-6098 Filed 3-14-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S–74–6]

GRINDING, POLISHING, AND BUFFING OPERATIONS

Ventilation

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to revise 29 CFR 1910.94(b)(2)(i) as set forth below.

Section 1910.94(b)(2)(i) provides that every establishment performing dry grinding, dry polishing, or buffing shall provide suitable hoods or enclosures that are connected to exhaust systems. This provision was derived from ANSI–Z 43.1–1966, "American National Standard for Ventilation Control of Grinding, Polishing, and Buffing Operations." This standard provides that equipment, operations, and processes may be exempt from the standard when the concentration of any contaminant generated by the grinding, polishing, or buffing of metals does not exceed the threshold limit values established by the American Conference of Governmental Industrial Hygienists. OSHA agrees with the reasoning underlying the exceptions suggested in the ANSI standard. It is unnecessarily restrictive to impose the hood-or-enclosure requirement on an operation which conforms to an applicable limitation without the use of a hood or enclosure. Accordingly, it is proposed to revise § 1910.94(b)(2)(i) in order to provide an exception for any dry grinding, dry polishing or buffing operation which yields concentrations of airborne contaminants lower than the applicable limits specified in an occupational safety and health standard.

Written data, views and arguments concerning the proposal may be mailed to the Office of Standards, Room 210, 1726 M Street NW., Washington, D.C. 20210, before April 15, 1974. Material submitted will be available for inspection and copying at the Office of Standards.

In addition, interested persons may file written objections to the proposed revision, and request an informal hearing with respect thereto, before April 15, 1974, in accordance with the following conditions:

1. The objections must include the name and address of the objector;

2. The objections must be postmarked on or before April 15, 1974;

3. The objections must specify with particularity the provision of the proposed revision to which objection is taken, and must state the grounds therefor;

4. Each objection must be separately stated and numbered; and

5. The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

Section 1910.94 is proposed to be amended by revising paragraph (b)(2)(i) to read as follows:

§ 1910.94 Ventilation.

* * * * *

(b) *Grinding, polishing, and buffing operations.* * * *

(2) *Application.* (i) Every establishment performing dry grinding, dry polishing, or buffing shall provide suitable hoods or enclosures that are connected to exhaust systems, except when the concentration of any airborne contaminant generated by such an operation is below the applicable limit prescribed in §§ 1910.93, 1910.93a, or in any other section of this part.

* * * * *

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C., this 11th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–6093 Filed 3–14–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 470]

[Docket No. R–74–257]

TEMPORARY HOUSING PRE-TERMINATION PROCEDURE

Notice of Proposed Rule Making

The Department of Housing and Urban Development is considering amending Title 24 of the Code of Federal Regulations to include a new Part 470, Temporary Housing Pre-Termination Procedure. This part is intended to prescribe pre-termination hearing procedure to be followed by all HUD offices regarding termination of HUD assistance for, or eviction by HUD from, temporary housing provided under the Disaster Relief Act of 1970, during a disaster emergency. As this procedure will provide increased benefits in the form of basic safeguards of due process for tenants with respect to termination of assistance or eviction, it should be made effective as soon as possible.

Interested persons are invited to participate in formalizing the policy by submitting written statements. Communications should be identified by the above docket number and title and should be filed in triplicate with the rules docket clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh St. SW., Washington, D.C. 20410. All relevant material received on or before April 15, 1974, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

We propose Subchapter N, Part 470, consisting of §§ 470.1 to 470.10, to read as follows:

PART 470—TEMPORARY HOUSING PRE-TERMINATION PROCEDURE

Sec.
470.1 Purpose.
470.2 Termination of benefits.
470.3 Administrative procedure prior to hearing.
470.4 Request for hearing.
470.5 Hearing panel.
470.6 Hearing.
470.7 Decision.
470.8 Appeal from decision.
470.9 Notice to vacate premises.
470.10 Termination of assistance.

AUTHORITY: Pub. L. 91–606, 84 Stat. 1744; E.O. 11725, 38 FR 17175, June 29, 1973; and 37 FR 3376, Feb. 15, 1972.

§ 470.1 Purpose.

The purpose of this part is to prescribe a pre-termination hearing procedure to be followed by HUD regarding termination of assistance for, or eviction from, temporary housing provided under the Disaster Relief Act of 1970, during a disaster emergency. This procedure is applicable to any dispute with respect to HUD action terminating assistance for, or evicting a tenant from, such temporary housing, and is available to any tenant (including occupants) of such housing who is or may be adversely affected by the HUD action.

§ 470.2 Termination of benefits.

Written notice shall be delivered to the tenant at least 30 days prior to the proposed termination by HUD of assistance for or eviction by HUD from temporary housing, specifying the reasons for termination of assistance or tenancy; the date of termination, which shall be not less than 30 days after receipt of the notice; and the administrative procedure available to the tenant if he wishes to dispute the action.

§ 470.3 Administrative procedure prior to hearing.

(a) *Filing of complaint.* If the tenant desires to dispute the termination, upon receipt of the written notice specified in § 470.2, he shall present his complaint in writing to the appropriate HUD office in person or by mail within 5 working days or such additional time as HUD may for good cause allow. The complaint must be signed by the tenant and give the reasons or grounds why the assistance or tenancy should not be terminated and for any other action requested.

(b) *Informal conference.* The appropriate HUD official shall, immediately upon receipt of the complaint, attempt to arrange an informal conference with the complaining tenant in an effort to settle the matter without a hearing. Whether or not the matter is settled by an informal conference, an answer in writing to each complaint, dated and signed by the appropriate HUD official, shall be delivered or mailed to the complainant within 5 working days after receipt of the complaint or such additional time as HUD may for good cause allow. The answer shall specify the determination which has been made, based on consideration of the information in the complaint and/or provided at any informal

conference, and the specific reasons for the determination. If the determination is made to terminate the assistance or the tenancy, the tenant shall be advised of his right to request a hearing on the matter within ten business days after receipt of the determination and of the procedure for obtaining such a hearing.

§ 470.4 Request for a hearing.

If the tenant desires to dispute any determination made under § 470.3, he may submit in writing a request for a hearing to the appropriate HUD office in person or by mail within ten business days after receipt of the determination. A hearing date shall be scheduled promptly for a time and place reasonably convenient to the complaining tenant who shall be notified promptly thereof in writing. The notice of hearing shall specify the procedure governing the hearing.

§ 470.5 Hearing panel.

(a) The Hearing Panel shall consist of three members: one tenant member, one member representing HUD, and one impartial and distinterested member (together with an alternate) who shall be chosen by the other two Hearing Panel members. Relatives of the complaining tenant, and officials and employees of HUD whose duties or responsibilities have involved them in any way with the complaint, shall not be eligible to serve on the Panel. The impartial and disinterested member of the Panel shall not be an official or employee of the HUD office in which the complaint originated or a tenant receiving temporary housing assistance under the Disaster Relief Act of 1970. In the event that the two Hearing Panel members cannot agree on the third impartial member, the third member shall be appointed by the National Center for Dispute Settlement of the American Arbitration Association.

(b) In the event that no tenant is available for selection as a member of the Hearing Panel in accordance with these regulations, then the hearing shall be conducted by a single impartial and disinterested Hearing Officer appointed in the same manner as provided in § 470.5 (a) for appointment of the impartial member of a Hearing Panel.

§ 470.6 Hearing.

(a) *Due process requirement.* The complaining tenant shall be afforded a fair hearing providing the basic safeguards of due process before the Hearing Panel and may be represented by counsel or another person chosen as his representative. The hearing shall be private unless the complainant requests and the Hearing Panel agrees to a public hearing. This restriction shall not be construed to limit the attendance of persons with a valid interest in the proceedings.

(b) *Availability of documents.* The complainant may examine before the hearing and, at his expense, copy all documents, records, and regulations of the appropriate HUD office that are relevant to the hearing. Any document not made available, after request therefore by the complainant, may not be relied on by HUD at the hearing. The complainant may request in advance and at his expense a transcript of the hearing.

(c) *Deposit of rentals and other charges.* If the dispute involves rentals or other charges which HUD claims are due, the complainant shall deposit the amount in dispute in an escrow account pending settlement of the dispute by the Hearing Panel. If the complainant fails to make such deposit, the Hearing Panel may determine that the complainant has waived his right to a hearing. Such determination shall not constitute a waiver of complainant's right to contest HUD's disposition of his complaint in an appropriate judicial proceeding.

(d) *Failure to appear.* If a complainant fails to appear at a hearing, the Hearing Panel may postpone the Hearing for not to exceed five business days or may make a determination that complainant has waived his right to a hearing. Such determination shall not constitute a waiver of complainant's right to contest HUD's disposition of his complaint in an appropriate judicial proceeding.

(e) *Proof.* At the hearing, the complainant must first make a prima facie case; thereafter, HUD must sustain the burden of proof in justifying the action against which the complaint is directed. The complainant shall have the right to present evidence and arguments in support of his complaint, to controvert evidence relied on by HUD, and to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information HUD relies. Hearings shall be conducted informally by the Hearing Panel and any oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to its admissibility under rules of evidence employed in judicial proceedings.

§ 470.7 Decision.

The decision of the Hearing Panel shall be based solely and exclusively upon facts presented at the hearing and upon applicable Federal and State law, and HUD regulations and requirements promulgated thereunder. The Hearing Panel shall prepare a written decision setting forth a statement of findings and conclusions, together with the reasons or basis therefor, upon all material issues raised by the parties, within 5 working days after the hearing, or such additional time as HUD may for good cause allow. The decision of the Hearing Panel shall be binding on HUD which shall take all actions necessary to carry out the decision or refrain from any action prohibited by the decision unless the HUD General Counsel determines and notifies the complainant in writing within 30 days, or such additional time as HUD may for good cause allow, that the decision of the Hearing Panel is not legally supportable. Any such decision of the HUD General Counsel may be judicially reviewed.

§ 470.8 Appeal from decision.

A decision by the Hearing Panel in favor of HUD or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, rights he may have to a trial de novo in judicial proceedings which may thereafter be brought in the matter. In such judicial proceedings, HUD shall, by stipulation or other appropriate means, be limited to invoking against the complainant the grounds originally relied on by HUD in its proposed disposition of the complaint, but may respond to any new matters raised by the complainant.

§ 470.9 Notice to vacate premises.

If the tenant has requested a hearing on a notice of termination of tenancy pursuant to § 470.2 and the Hearing Panel upholds HUD's decision to evict, an action to regain possession may not be commenced until the tenant's right to use and occupancy of the premises has been terminated by lawful written notice. Such notice to vacate may not be given prior to the date on which the Hearing Panel's decision is delivered or mailed to the tenant. In no case may eviction occur prior to the termination date stated in the original notice of termination of tenancy. When such notice to vacate is given to the tenant, he must be informed in writing that, if he fails to quit the premises within three days, appropriate action will be brought against him, and that, if suit is brought against him, he may be required to pay court costs and attorney fees. If the tenant elects to contest the legal action, HUD must establish that the reasons on which it relied in the administrative proceedings constitute good cause for eviction under applicable laws and regulations.

§ 470.10 Termination of assistance.

If the Hearing Panel upholds HUD's decision to terminate assistance for temporary housing, such assistance may be terminated in accordance with the original notice given pursuant to § 470.2 at any time after the 30 days specified in the original notice have elapsed.

Issued at Washington, D.C., March 11, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-6037 Filed 3-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-WE-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that

would alter the description of the Fallon, Nevada transition area.

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 Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15,000 S. Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Lawndale, California 90261. All communications received on or before April 15, 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, 15000 S. Aviation Blvd., Lawndale, California 90261.

NAS Fallon is programmed for radar capability on or about July 18, 1974. The proposed additional 1,200 foot transition area will be delegated to Fallon approach control by the Oakland ARTCC. The additional controlled airspace will expedite arrival and departure traffic at NAS Fallon and air traffic operating to, from, and within restricted airspace in proximity to Fallon. In addition, it will afford more efficient utilization of airspace and application of air traffic procedures.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Fallon, Nevada transition area is amended to read as follows:

FALLON, NEV.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of NAS Fallon TACAN and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°51'00" N., longitude 117°58'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117°39'30" W.; to latitude 39°18'00" N., longitude 117°47'30" W.; to latitude 39°00'00" N., longitude 117°40'00" W., to point of intersection of a line 8 miles NE of and parallel to the Reno VORTAC 135° radial and the NE edge of V-105E, thence via a line 8 miles NE of and parallel to Reno 135° radial to longitude 119°00'00" W., to latitude 39°42'00" N., longitude 119°00'00" W., to latitude 40°01'00" N., longitude 118°19'00" W., to point of beginning, excluding that airspace below 1,500 feet AGL within R-4516N and that airspace within R-4816S extending upward from 500 feet AGL to and including 2,000 feet AGL which lies N of and within 1 nautical mile from U.S. Highway 50 between the intersections of Highway 50 with longitude 118°25'30" W. and 118°09'50" W.; that airspace extending upward from 9,500 feet MSL extending from 23 to 44 miles SE of Fallon TACAN bounded on the NE by a line 10 miles NE of and parallel to the Fallon TACAN 139° radial and on the SW by the NE edge of V-105E. The 1,200 foot portion underlying the 9,500 foot MSL portion of the transition area is excluded.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on March 7, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.74-5476 Filed 3-14-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-24]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Louisville, Ky. (Bowman Field) control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 15, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Louisville (Bowman Field) control zone described in § 71.171 (39 F.R. 354) would be amended as follows:

"* * * 5-mile radius zone to the VOR * * *" would be deleted and "* * * 5-mile radius zone to the VOR; within 3 miles each side of Bowman VOR 018°, 068°, 151° and 182° radials, extending from the 5-mile radius zone to 8.5 miles north, east, southeast and south of the VOR * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for the new prescribed VOR Runway 1, 19, 24 and 32 instrument approach procedures to be predicated on the newly established Bowman VOR which is located on Bowman Field.

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 of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 7, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-5975 Filed 3-14-74;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

PHASE IV PRICE AND HEALTH CARE FORMS

Notice of Proposed Rulemaking

Correction

FR Doc. 74-5531 appearing at page 9768 in the issue of Wednesday, March 13, 1974, was inadvertently published as a Rules and Regulations document. The document should have been published as a Proposed Rulemaking document with the headings reading as set forth above.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19963; RM-2250, et al.]

[47 CFR Part 73]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Johnstown, Ohio; Boyne City, Mich.; Glennville, Ga.; Kilmarnock, Va.; Pinckneyville, Ill.; Huntingdon, Tenn.; and Graham, Texas)

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments, to add a channel to the above-listed communities, as has been requested in the rule making petitions. In each of the communities there is a proposal for a Class A channel assignment. Population figures are from the 1970 U.S. Census unless otherwise indicated. The proposed channels sought by each petitioner are as follows:

RM-2250 Channel 276A to Johnstown, Ohio (Richard N. Seiler, Jr.; Robert G. Shaw, John W. Smith).

RM-2263 Channel 228A to Boyne City, Michigan (William F. Gipperich).

RM-2268 Channel 292A to Glennville, Georgia (Tattnall County Broadcasting Company).

RM-2269 Channel 269A to Kilmarnock, Virginia (Northern Neck & Tidewater Broadcasting Co., Inc.).

RM-2290 Channel 280A to Pinckneyville, Illinois (Coalbelt Broadcasters).

RM-2291 Channel 265A to Huntingdon, Tennessee (Ernest Vickers, Jr.).

RM-2294 Channel 296A to Graham, Texas (KSWA, Inc.).

2. *Johnstown, Ohio (RM-2250).* Richard N. Seiler, Jr.; Robert G. Shaw, and

John W. Smith (petitioners), filed a petition on August 20, 1973, proposing the assignment of Channel 276A to Johnstown, Ohio. Channel 276A could be assigned to Johnstown in conformity with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels if the station is located at a site four miles north-northeast of the community. Johnstown (population 3,208), in Licking County (population 107,799), is located in the center of a four-city area, about 20 miles from Delaware, Mt. Vernon, and Newark and the state capital, Columbus, Ohio. Johnstown has no local broadcast facilities.

3. In support of their request, petitioners state that Johnstown's close proximity to larger industrialized centers has created a large bedroom community population, completely surrounding Johnstown, and that the influx of rural commuters, along with the strong agricultural community, has developed into substantially greater population than the population within the corporate limits of Johnstown. They note that the retail sales for Licking County is $132,458,000 and that the community of Johnstown is one of the most active business towns of its size in the state. They point out that Johnstown has a weekly newspaper which is distributed widely throughout the area, but since it is a weekly publication it cannot meet the daily informational needs of the community. Petitioners state that, even though Johnstown is surrounded by radio stations located in the metropolitan areas, most of these stations provide weak signals to the area during the day, and the ones received at night suffer severe interference from distant stations. They contend that none of these stations serve the local needs of this large rural area. In view of the foregoing information and the fact that there is no local broadcast transmission service in Johnstown, we believe the proposal merits exploration in a rule making proceeding.

4. *Boyne City, Michigan (RM–2263).* William Gipperich (petitioner) filed a petition on September 17, 1973 (supplement filed October 3, 1973) proposing the assignment of Channel 228A to Boyne City, Michigan. Channel 228A could be assigned to Boyne City without affecting any existing station or assignment in the FM Table of Assignments and would comply with the Commission's minimum mileage separation rule. Boyne City (population 2,969), in Charlevoix County (population 16,541), is located about 69 miles north of Cadillac, Michigan. There is no local radio transmission service in Boyne City or Charlevoix County. Petitioner states that he is anxious to bring a full-time service to this community and will actively seek and apply for the proposed channel, if assigned.

5. Petitioner asserts that Boyne City has had a 6.1 percent increase in population between 1960 and 1970, and that the Charlevoix County has experienced 23.2 percent population growth, according to the 1970 Census, and is expected to have a tremendous growth during this decade. He points out that housing in the community is booming with over 1,000 new housing units in the planning stage or under actual construction, and that government leaders are predicting the population to increase from 5,000 to 10,000 persons in the next five years. He adds that the volume of tourists visting the area each year is now in excess of one million. Petitioner states that, although there are several local weekly newspapers that serve the county, they are unable to provide the immediate communication which is greatly needed. In view of the foregoing information and the fact that there is no local broadcast transmission service in Boyne City or Charlevoix County, we believe the above proposal to assign Channel 228A to Boyne City, Michigan, merits exploration in a rule making proceeding.

6. *Glennville, Georgia (RM–2268).* Tattnall County Broadcasting Company (petitioner), filed a petition on October 19, 1973, proposing the assignment of Channel 292A to Glennville, Georgia. Channel 292A could be assigned to Glennville in conformity with the Commission's minimum mileage separation rule and without affecting any other presently assigned channel if the station is located at a site approximately three miles northeast of Glennville. Glennville (population 3,451), in Tattnall County (population 16,557), is located approximately 50 miles west of Savannah, Georgia. Glennville currently has a daytime-only AM station, WKIG. If Channel 292A is assigned to Glennville, petitioner proposes to expeditiously apply for it and will promptly build an FM station.

7. Petitioner supports his request for this assignment by noting that Glennville has grown steadily since 1950, increasing its population by 52%. It states that Glennville is a small industrial city within a primarily agricultural county with the apparel industry constituting the largest segment of Glennville's industrial activity. Petitioner adds that Glennville is predominant in the county in providing financial services, the Glennville Bank and Trust Company and the First Citizen's Bank together having over $13 million in assets. It points out that, because WKIG is a daytime-only AM station and because the county has no aural nighttime facility, the residents of Tattnall and Long Counties are by and large reduced to non-local broadcast sources between the hours of sunset and sunrise. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Glennville, Georgia is warranted.

8. *Kilmarnock, Virginia (RM–2269).* Northern Neck and Tidewater Broadcasting Co., Inc., licensee of Stations WNNT and WNNT–FM, Warsaw, Virginia, filed a petition on October 23, 1973, proposing the assignment of Channel 269A to Kilmarnock, Virginia. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting the present FM assignments. Kilmarnock (population 1,000)[1] is one of three incorporated towns in Lancaster County (population 9,126). There are no local broadcast services nor any FM channel assignments in any of the towns or communities of Lancaster County. Petitioner expresses its intent to apply for and construct the station if the channel is assigned.

9. Petitioner states that Kilmarnock and surrounding Lancaster County are fast becoming a commercial center of the Northern Neck, and a popular recreational attraction to sportsmen and tourists from urban areas within easy acecss of the Peninsula. It points out that Lancaster County's principal industries include crabbing, fishing, food processing and oystering and is specifically well known for its menhaden fish industry. Petitioner notes that the estimated retail sales in Lancaster County totalled $16,802,000, and, with the recent increase in tourism and growth of retiree and recreational homesites in this area, many new service-oriented businesses are appearing, and area planners are looking forward to general economic expansion and development of additional small industries. In view of the foregoing information and the fact that there is no local broadcast transmission service in Kilmarnock, Virginia, and Lancaster County in which it is located, we believe that proposal merits exploration in a rule making proceeding.

10. *Pinckneyville, Illinois (RM–2290).* Coalbelt Broadcasters (petitioner) filed a petition on November 8, 1973, proposing the assignment of Channel 280A to Pinckneyville, Illinois. Channel 280A could be assigned to Pinckneyville in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned channels in the FM Table of Assignments if the transmitter site is located about 8 miles south southeast of Pinckneyville.[2] Pinckneyville (population 3,377), the seat of Perry County (population 19,757), is located approximately 60 miles southeast of St. Louis, Missouri. Petitioner notes that one combination AM–FM station (WDQN and WDQN–FM) is assigned to the community of DuQuion which is also located in Perry County, and that Pinckneyville and the rural areas of the western part of Perry County are now without a local broadcast transmission service. Petitioner states it will promptly prepare and file an application for a construction permit for that assignment.

11. In support of its request petitioner states that Pinckneyville's population has grown 9.5 percent since 1960. It points out that Perry County leads all Illinois counties in the production of coal

[1] April 1973 population estimated by Kilmarnock Chamber of Commerce, 1970 U.S. Census lists 841 persons.

[2] Since the transmitter site would have to be located at least 8 miles from Pinckneyville, there is a question as to the availability of a suitable site from which the station would be able to provide the requisite city grade signal over the community.

and increased demands for coal as a source for fuel has created an increase in production within the area. Petitioner adds that there are three major manufacturing plants at Pinckneyville employing approximately 595 people. It contends that Pinckneyville's only source of community information are two weekly newspaper publications. For these reasons, we believe that the proposal for the assignment of a first Class A FM assignment to Pinckneyville, Illinois merits consideration.

12. *Huntingdon, Tennessee (RM–2291).* Ernest L. Vickers, Jr. (petitioner) filed a petition on November 27, 1973, proposing the assignment of Channel 265A to Huntingdon, Tennessee. Channel 265A could be assigned to Huntingdon in conformity with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels if the transmitter is located three miles southwest of the community. Huntingdon (population 3,661), the seat of Carroll County (population 25,741), is located 90 miles southwest of Nashville, Tennessee. Huntingdon has no local broadcast transmission service. Petitioner expresses an intent to file an application for the proposed facility and if such application is granted, intends to construct the station.

13. In support of his request petitioner states that Huntingdon has increased its population by 1,532 since 1960. He notes that industries in the community include an aluminum plant, shirt factory grist mills, and lumber, the predominant agricultural product being cotton. He adds that the city is governed by a Mayor and Board of Aldermen, and that the Industrial Development Board and Chamber of Commerce concentrate on efforts to attract other industries in order to change from an agrarian economy to a more balanced agricultural-industrial environment. Petitioner points out that the total retail sales in Carroll County during 1972 were $44,292,000. In view of the foregoing information, we believe consideration of the proposal for the assignment of Channel 265A to Huntingdon, Tennessee, is warranted.

14. *Graham, Texas (RM–2294).* KSWA, Inc. licensee of standard broadcast Station KSWA, Graham, Texas, filed a petition on December 5, 1973, proposing the assignment of Channel 296A to Graham, Texas. Channel 296A could be assigned to Graham in conformity with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels. Graham (population 7,477), the seat of Young County (population 15,400), is located about 88 miles northwest of Fort Worth. It presently has one daytime-only AM station, KSWA, which is licensed to petitioner. Petitioner states that he intends to apply for the channel if it is assigned to Graham.

15. Petitioner supports its request for the proposed assignment by noting that with the opening of the new Dallas-Fort Worth Regional Airport, which is only about one hour and one-half driving time from this area, as well as the incipient industrialization of this area, it is anticipated that substantial population growth will be forthcoming in the next several years. It adds that since 1965 there has been substantial economic growth in the area, including the establishment of a woman's garment manufacturing company, a computer-tape manufacturer, and also a mobile home manufacturing concern. Petitioner states that the bank deposits in Graham exceeded $32 million, distributed between the First National Bank and the Graham National Bank. It contends that, in addition to use of the proposed station for weather reports and storm alerts, the people in this area are most eager to have coverage of night sporting events, particularly football. In view of the apparent need for a first full-time local broadcast service in the community, the proposal to assign Channel 296A to Graham, Texas, merits consideration in a rule making proceeding.

16. Since Johnstown, Ohio, and Boyne City, Michigan, are within 250 miles of the U.S.-Canadian border, the assignment of the channels to these communities require coordination with the Canadian Government.

17. In view of the foregoing and pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows for the named communities:

City	Channel No.	
	Present	Proposed
Johnstown, Ohio [3]		276A
Boyne City, Mich		228A
Glennville, Ga [3]		292A
Kilmarnock, Va		269A
Pinckneyville, Ill [3]		280A
Huntingdon, Tenn [3]		265A
Graham, Tex		269A

[3] In order to meet the minimum spacing requirements of our rules, a site 4 miles north northeast of Johnstown, Ohio, would be required; a site 3 miles northeast of Glennville, Georgia would be required; a site 8 miles south southeast of Pinckneyville, Illinois would be required; and a site 3 miles southwest of Huntingdon, Tennessee would be required.

18. *Showings required.* Comments are invited on the proposals discussed above. Proponents will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

19. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

20. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 22, 1974, and reply comments on or before May 1, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

21. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW).

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–6068 Filed 3–14–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19962; RM–2232, et al.]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the matter of amendment of §73.202(b), table of assignments, FM broadcast stations. (Lehigh Acres, Fla.; Monticello, Fla.; Rockwell City, Ia.; Millinocket, Me.; Aguada, P.R.; and St. Helena, Calif.)

1. The Commission has under consideration seven petitions which propose the amendment of § 73.202(b) of the rules, the FM Table of Assignments, by assigning a first FM channel to each of the above communities. None of these six communities are located in or near any large urbanized area. All petitions are unopposed with the exception of Aguada, Puerto Rico (RM–2246). The specific channel that has been proposed for each locality and the identity of the respective petitioners are as follows:

RM–2232 Channel 257A to Lehigh Acres, Florida (Broadcast Management, Inc.).
RM–2240 Channel 292A to Monticello, Florida (Dr. Claud Anderson).
RM–2241 Channel 288A to Rockwell City, Iowa (Francis N. Donnelly).
RM–2242 Channel 249A to Millinocket, Maine (Katahdin Radio, Inc.).

RM–2246 Channel 288A to Aguada, Puerto Rico (Aurio Matos).
RM–2247 Channel 269A to St. Helena, California (Young Radio, Inc.).
RM–2293 Channel 296A to Lehigh Acres, Florida (Hudson Communications Corporation).

A brief description of each petition follows.

2. *Lehigh Acres, Florida (RM–2232 and 2293).* Two separate petitions were filed each proposing the assignment of a first FM channel to Lehigh Acres, Florida. One was filed on July 13, 1973, by Broadcast Management, Inc., licensee of AM Station WAYK, Lehigh Acres, requesting the assignment of Channel 257A (RM–2232); the other petition was filed December 4, 1973, by Hudson Communications Corporation, requesting the assignment of Channel 296A (RM–2293). Both channels could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting any other assignments in the FM Table of Assignments. Lehigh Acres (population 11,250)[1] is in Lee County (population 105,216)[2] and is located on the southwest coast of Florida, approximately 12 miles east of Fort Myers, Florida. It has no local FM facilities, but has an unlimited time AM station.

3. In support of their requests, petitioners state that Lehigh Acres had a 1970 population of approximately 4,394 and today its population approaches 11,000. They state it is anticipated that the growth of the last ten years will continue and likely exceed that period's experience. Petitioners state that Lehigh Acres has its own business areas with over 150 independent businesses which include industry such as aluminum window and door manufacturing, local printing, concrete, boat manufacturing and other enterprises. They add that it maintains its own full-time police and fire forces, has its own medical and hospital facilities and a medical clinic which is part of the hospital complex. They note that its location has made it an attractive resort and retirement area and, in addition to the availability of beaches, many recreational facilities have been planned and constructed, which have made it one of the leading cultural, economic, social, and commercial centers of the region. Each petitioner states that, if its requested assignment is made, it will apply for use of the requested channel and, if authorized, will construct and operate a new FM station in Lehigh Acres.[3] It would appear that petitioners have made a sufficient public interest showing to warrant issuance of a Notice of Proposed Rule Making as to their proposals. Considering the size of Lehigh Acres and its anticipated steady growth, we are of the opinion that institution of rule making looking toward the assignment of two FM channels to Lehigh Acres, Florida, merits consideration.

4. *Monticello, Florida (RM–2240).* Dr. Claud Anderson filed a petition on July 30, 1973, proposing the assignment of Channel 292A to Monticello, Florida. Monticello (population 2,473) the seat of Jefferson County (population 8,778), is located about 30 miles from Tallahassee, Florida, and currently has a daytime-only AM station WWSD. If Channel 292A is assigned to Monticello, petitioner proposes to apply for authority to construct and operate the facility.

5. Petitioner states that the economy of Jefferson County has focused upon agriculture and a local pulpwood industry, but economically the people of Jefferson County are for the most part poor with more than 41 percent of the people having incomes less than the poverty level. Petitioner points out, however, that in recent months Monticello has undertaken an effort to alleviate its problems and to improve the local economy. He notes that a Small Business Administration § 502 local development corporation has been established in the county, and the Florida State Division of Commercial Development is assisting the Monticello City Commission and the Jefferson County Board of Commissioners in initiating a program of total area development. He also adds that a request for federal funds was made to the Economic Development Administration. Petitioner states that a broadcast facility, responsive to the community needs could play a basic role in this effort for economic development and would be particularly important in Monticello since Jefferson County does not now have any local full-time radio service, television station or local daily newspaper. Based upon these considerations, the possibility of assigning Channel 292A to Monticello should be explored in a rule making proceeding.

6. *Rockwell City, Iowa (RM–2241).* Francis N. Donnelly filed a petition on July 31, 1973, proposing the assignment of Channel 288A to Rockwell City, Iowa. Rockwell City (population 2,396) is the county seat and the largest town in Calhoun County (population 14,287) and is located 75 miles northwest of Des Moines, Iowa. There are no local broadcast facilities in this community.

7. Petitioner states that the primary economic activity in the county is agriculture. He points out that the county is now served only by weekly newspapers and that a new FM station would provide a daily source of local news and public service programming. He adds that it would provide coverage of the sports events of the high school conference and would provide a new outlet for the advertising of local merchants. Petitioner states that if the proposed assignment is made he will promptly file an application for the channel, and, upon grant, will proceed to construct a new FM station. In view of the need for a first fulltime local broadcast service in the area, the proposal to assign FM Channel 288A to Rockwell City merits consideration in a rule making proceeding.

8. *Millinocket, Maine (RM–2242).* Katahdin Radio, Inc. filed a petition on August 1, 1973, proposing the assignment of Channel 249A to Millinocket, Maine. Katahdin Radio, Inc. is the licensee of WMKR, a Class IV AM station, which is the only broadcast facility in Millinocket. Millinocket (7,742 population) is in Penobscot County (125,393 population) and is located approximately 60 miles north of Bangor, Maine.

9. Petitioner states that Millinocket has experienced growth and development of substantial proportions, its population being largely young and well-educated. It notes that Millinocket is economically dependent upon manufacturing (leather, wood products, food, textiles, machinery, stone products); 56.4% of its working population is employed in this field of endeavor, another 15% of its residents are engaged in either wholesale or retail trade, and 13.4 percent are professionals.

10. Petitioner contends that the nearest daily newspaper is published in Bangor, nearly 60 miles south of Millinocket, and the only local newspaper is published weekly and provides no national or state news. It states that a Class A FM station would substantially enhance the daily dissemination of news and community events in the area. Petitioner points out that at present, Millinocket depends on Station WMKR, a Class IV facility, for its sole local transmission service and the station's nighttime operation at 250 watts results in extremely deficient aural coverage during those hours. Petitioner states he will immediately apply for the channel, if granted, and thereafter construct and operate a broadcast station. For those reasons, we think consideration of the proposal for the assignment of a first Class A FM channel to Millinocket, Maine, is warranted.

11. *Aguada, Puerto Rico (RM–2246).* On August 8, 1973, Aurio Matos proposed that the FM Table of Assignments be amended to include the assignment of Channel 288A to Aguada, Puerto Rico. Aguada, with a population of 4,590 persons, is located on the northwestern coast of Puerto Rico in Aguada Municipio (population 25,658). Aguada has no local broadcast facilities. Petitioner has expressed his intent to apply for Channel 288A if it is assigned to this community.

12. Opposing comments were filed by Ricardo Vega, licensee of FM Station WTPM, Aguadilla, Aguadilla Municipio, Puerto Rico. Mr. Vega contends that Aguada is receiving sufficient FM service from stations licensed to Aguadilla and Mayaguez; receives service from two AM stations in Aguadilla, and one VHF TV channel (Ch. 12). Mr. Vega states that Aguada is suffering from severe economic problems due, among others, to the closing of operations of Ramey Air Force Base, closing of several factories, and imminent migration of others; and reduction in agricultural activities (especially sugar cane growing). Mr. Vega points out

[1] *Publication:* Questions and Answers about Lehigh Acres, distributed by Lehigh Acres Development, Inc., Developers and Managers of Lehigh Acres, Florida.

[2] All population figures cited are from the 1970 U.S. Census, unless otherwise indicated.

[3] It is not clear from the petitions whether, if two channels are assigned to Lehigh Acres, each petitioner is willing to build a station there. Petitioners should furnish information on this point in their comments as well as information as to whether Lehigh Acres could support two FM stations.

that all these factors are forcing sponsors to reduce their promotional expenditures with the corresponding negative impact on radio. Mr. Vega feels that if the new channel is assigned in this area it will endanger the quality of service being rendered to these communities.

13. Petitioner supports his request for this assignment by noting that Aguada has experienced a 22 percent increase in its population during the past decade. He states that Aguada is the site of numerous industries, including one of the largest sugar mills in Puerto Rico; a shrimp packing plant, and manufacturers of rubber gloves and clothing. He adds that industrial facilities within Aguada are expected to greatly increase in the near future as a result of the construction of a new deep water port within the area. Petitioner points out that there are several major civic organizations in Aguada plus numerous other community minded groups. Petitioner contends that Aguada is a vibrant growing community and with the advent of the new deep water port in the area, Aguada's rate of growth will be greatly increased. He asserts that Aguada is without any local broadcast facility and if the proposed assignment is made it will most assuredly serve the community needs, interests and convenience. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Aguada, we believe the proposal merits exploration in a rule making proceeding.

14. *St. Helena, California (RM–2247).* Young Radio, Inc. filed a petition on August 16, 1973, proposing the assignment of Channel 269A to St. Helena, California. St. Helena (population 3,800) is located in Napa County (population 82,000), approximately 57 miles northeast of San Francisco, California. There are no local broadcast facilities in this community. AM Station KVON (unlimited time) at Napa, 17 miles south, is the only broadcast facility in the county. Petitioner has expressed his intent to apply for the proposed channel immediately upon its assignment.

15. In support of his request petitioner states that Napa County is growing steadily showing an increase from 35,000 in 1950 to the present 82,000. He points out that because of the beauty and benign climate, the region is highly attractive from the recreational and tourism standpoints. Petitioner contends that nearby places such as Yountsville (pop. 2,322); Angwin (pop. 2,690); and Calistoga (pop 1,832) would receive service from the proposed assignment.

16. In view of the foregoing information we believe that petitioner has made a sufficient public interest showing to warrant exploring the possibility of assigning Channel 269A to St. Helena, California.

17. Since Millinocket, Maine, is within 250 miles of the U.S.-Canadian border, the assignment of the channel to this community requires coordination with the Canadian Government.

18. In view of the foregoing and pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows for the named communities:

City	Channel No.	
	Present	Proposed
Lehigh Acres, Fla.		257A, 296A
Monticello, Fla.		292A
Rockwell City, Iowa		288A
Millinocket, Maine		249A
Aguada, P.R.		288A
St. Helena, Calif.		269A

19. *Showings required.* Comments are invited on the proposals discussed above. Petitioners are expected to answer whatever questions are raised in the Notice, if any, and other questions that may be presented by the initial comments. The proponent is expected to file comments even if nothing more than to incorporate by reference its petition, and is expected to state its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

20. *Cut-off procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that they will not be considered in connection with the decision herein.

21. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before April 22, 1974, and reply comments on or before May 1, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

22. In accordance with the provisions of § 1.419 of the Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW, Washington, D.C.

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–6067 Filed 3–14–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19961; RM–2130]

FM BROADCAST STATIONS IN SPRINGFIELD, ILLINOIS

Table of Assignments

In the matter of amendment of §73.202(b), table of assignments, FM broadcast stations. (Springfield, Illinois)

1. Notice of proposed rule making is given with respect to the petition of Eastern Broadcasting Corporation, licensee of Class IV AM Station WCVS, requesting amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations), to assign Channel 254 as the fourth FM assignment to Springfield, Illinois.

2. Springfield, population 91,753, the state capital, is located in Sangamon County, population 161,335, which constitutes the Springfield Standard Metropolitan Statistical Area (SMSA).[1] Aural broadcast service at Springfield consists of three unlimited time AM stations (WCVS, WMAY, and WTAX) and three Class B FM stations (WFMB(FM), WVEM(FM), and WDBR–FM).

[1] All population data is from the 1970 Census unless otherwise indicated.

3. Petitioner in support of its proposal states that a fourth FM channel at Springfield is clearly in the public interest. Strong reliance is placed on the fact that Springfield is the capital of Illinois, the county seat, and the largest city in the Springfield SMSA. Note was made that the population of the city and SMSA respectively increased in the decade since the 1960 Census (10.2 percent and 10.1 percent) and that the populations have further increased by another 1,500 each as of 1972. Eastern refers to the Commission's action in Tallahassee, 41 F.C.C. 2d 498 (1973), where a fourth channel assignment was made to that community under our population criteria,[2] and further that Tallahassee is one of at least seventeen metropolitan areas with a lesser population than Springfield which has seven or more aural broadcast outlets. Eastern points to the historical importance of Springfield, its diverse industrial and business economy (Allis Chalmers Corporation, Sangamon Electric Company, and Pillsbury Company), it is a large wholesale and retail center for the surrounding agricultural area, and that many national insurance companies have home offices in Springfield. Reference is also made to the fact that Springfield is a growing educational center: two small private colleges; Lincoln Land Community College; and the location for instructional facilities for second and third year medical studies at Southern Illinois University School of Medicine.

4. The petition is opposed by Prairieland Broadcasters, licensee of AM Station WDZ, Decatur, Illinois, and more

[2] See Further Notice of Proposed Rule Making, Docket No. 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, adopted July 25, 1963, 23 R.R. 1859, 1871.

importantly petitioner for the assignment of Channel 253 to Decatur, which assignment could not be made if Channel 254 were assigned to Springfield as sought in this proceeding. Reliance is placed on our cut-off procedure. However, we need not elaborate on this point, since that proceeding has been terminated with the denial of the assignment of Channel 253 to Decatur as noted by Paris Broadcasting Corporation. See Memorandum Opinion and Order in Docket No. 19317, 41 F.C.C. 2d 167 (1973).

5. From a technical viewpoint, petitioner had adduced information showing that Channel 254 might be assigned to Springfield without any change in the FM Table of Assignments if a transmitter is located southwest of the city. In connection with the preclusion study submitted by the petitioner, the assignment of Channel 254 to Springfield would foreclose future assignments in a limited area on Channel 252A, 253, 254, and 257A. The preclusion on Channels 252A and 257A would occur in the area of Decatur, Illinois. The preclusion on Channel 253 falls in a rural area, and that on 254 in an area immediately southwest of Springfield.

6. It would appear that the petitioner has made an adequate showing that the assignment of Channel 254 to Springfield might serve the public interest, convenience, and necessity, at least to the extent of our putting out the matter for proposed rule making. Some observation should be made as to the petitioner's reliance on our action in Tallahassee. Under the population criteria (see fn. 2 above), Springfield is entitled from 2 to 4 channels. However, these population criteria are guides rather than immutable standards with the more important consideration being availability. See generally Colorado Springs, adopted January 23, 1974 (FCC 74–70) __ F.C.C. 2d __, and authorities cited.

7. In view of the foregoing, and pursuant to authority found in sections 4(i), 5(d)(1), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill	270, 279, 283	254, 270, 279, 283

8. *Showings Required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference his former pleadings. He should also restate his present intention to apply for the channel if it is assigned and if authorized, to build the station promptly. Failure to file may lead to denial of the request.

9. *Cut-off procedures.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

10. Pursuant to applicable procedures set out in Section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before April 22, 1974, and reply comments on or before May 1, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW).

Adopted: March 6, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–6066 Filed 3–14–74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 702]

RESERVES

Withdrawal of Proposed Rulemaking

On page 10743 of the May 1, 1973, edition of the FEDERAL REGISTER and on page 26216 of the September 19, 1973, edition of the FEDERAL REGISTER, there were published proposed regulations relative to mandatory charge-offs.

After considering all comments submitted by interested parties, the regulations, as proposed, are hereby withdrawn.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 7, 1974.

[FR Doc.74–6062 Filed 3–14–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED GREEN BEANS AND CANNED WAXED BEANS

Standards of Identity and Quality and Establishment of Fill of Container Standards

Correction

In FR Doc. 74–2139 appearing on page 3560 in the issue of January 28, 1974, make the following corrections:

1. In column 3 on page 3560 the center heading should read "[CAC/RS: 16–1969]."

2. Under that same center heading in paragraph 1.2 the word "district" should read "distinct".

3. In column 1 on page 3561 the 2nd line in paragraph 2.2.5 should read "to the sampling procedure referenced in sub–"

4. In column 3, line 2 on the same page, the material in parentheses should read "(AQL–6.5)."

5. In column 1 on page 3564, in the 8th line the word "filed" should read "filled".

6. In column 3, paragraph (7), in the 4th line the word "weight" should read "weighted".

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

Special Projects

Notice is hereby given that pursuant to the authority contained in the Emergency School Aid Act, Title VII of the Education Amendments of 1972 (20 U.S.C. 1601, et seq.) the Assistant Secretary for Education, with the approval of the Secretary for Health, Education, and Welfare, proposes to amend part 185 of title 45 of the Code of Federal Regulations by amending Subpart J, Special Projects.

The proposed amendments set forth provisions for grants to public agencies or organizations responsible for the administration of statewide arts programs, such as State Arts Councils and State Arts and Humanities Commissions. The proposed special arts projects would provide opportunities for interracial and intercultural communication and understanding for children in schools affected by the implementation of a local educational agency's desegregation plan or plan to eliminate, reduce or prevent minority group isolation.

Research findings indicate that in order to attain successful school desegregation, genuine interracial understanding must exist within the school. The nature of the climate within the school also contributes significantly to minority group achievement in the desegregated school setting.

The Assistant Secretary proposes to create opportunities for the arts to be used as a vehicle for bringing together

minority and nonminority students in situations that would provide additional opportunities for cross-cultural contributions which encourage interracial and intercultural awareness and understanding.

The Assistant Secretary will make awards of assistance on the basis of criteria set forth in this notice to public agencies or organizations which conform to the requirements of part 185, as such part is proposed to be amended, and which promise to make substantial progress in achieving the purposes of the Act.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to Dr. Herman R. Goldberg, Associate Commissioner, Office of Equal Educational Opportunity, room 2029, 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before April 15, 1974. Comments received in response to this notice will be available for public inspection at room 2029, 400 Maryland Avenue, SW., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday.

(Catalog of Federal Domestic Assistance Number 13.532—Emergency School Aid Act—Special Projects)

Dated: February 14, 1974.

CHARLES B. SAUNDERS, Jr.,
Acting Assistant Secretary for Education.

Approved: March 11, 1974.

FRANK CARLUCCI,
Acting Secretary for Health, Education, and Welfare.

It is proposed to amend Subpart J of 45 CFR Part 185 as follows:

1. Section 185.91–1 is added after § 185.91 to read as follows:

§ 185.91–1 Eligibility for assistance.

(a) *Special arts projects.* Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11. Activities assisted under this paragraph must be conducted primarily with students who attend schools affected by such plan, in which the proportion of minority group children enrolled is no less than 20 percent and no greater than 50 percent. Such schools must be located in local educational agencies which are in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than $1,000,000 from funds reserved pursuant to § 185.95(b)(1) shall be awarded for grants pursuant to this paragraph during the fiscal year ending June 30, 1974.

(20 U.S.C. 1605(d) and 1607(a))

2. Section 185.92–1 is added after § 185.92 to read as follows:

§ 185.92–1 Applications.

(a) Applications by public agencies or organizations pursuant to § 185.91–1(a) shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2) and (m). Applications submitted by public agencies or organizations which are educational agencies shall also comply with the requirements of § 185.13(l). All applications for assistance under § 185.91–1, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

(b) In addition to the information and assurances required by paragraph (a) of this section, applications by public agencies and organizations pursuant to § 185.91–1(a) shall contain the following information:

(1) A letter from each local educational agency implementing a plan or project described in § 185.11 in which the applicant proposes to conduct activities which gives evidence that the local educational agency has reviewed the proposed project and has agreed to participate in the program activities, if funded, and which contains a list of those schools within such local educational agency which are eligible for assistance pursuant to § 185.91–1(a);

(2) A copy of the plan or project as described in § 185.11 for each local educational agency which the applicant proposes to serve unless such local educational agency has previously applied for assistance under the Act;

(3) A statement, signed by the appropriate official of each local educational agency in which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(4) A statement of the name, position, and prior experience in education, the arts, and interracial/intercultural relations of the State level project director employed (or to be employed) by the applicant in connection with the proposed application;

(5) A copy of the statutory provision, State executive order or other evidence establishing the status of the applicant agency as a public agency or organization.

(20 U.S.C. 1607(a), 1609(a))

3. Section 185–93–1 is added after § 185.93 to read as follows:

§ 185.93—1 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance pursuant to § 185.91–1(a), the Assistant Secretary shall apply the following criterion: The need for such assistance, as indicated by the number and percentage of minority group children within the State in which the applicant is located (10 points).

(20 U.S.C. 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational, artistic, and programmatic merits of applications for assistance by public agencies or organizations pursuant to § 185.91–1(a) on the basis of the following criteria (90 points):

(1) *Needs assessment (14 points).* The magnitude of needs, in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for intercultural/interracial arts programs as such programs relate to the special needs incident to the implementation of a plan or project described in § 185.11.

(2) *Statement of objectives (10 points).* (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity in relation to the needs identified (5 points); and (ii) The degree to which the program, project, or activity to be assisted affords promise of achieving the objectives specified in the application (5 points).

(3) *Activities (55 points).* (i) *Project design (20 points).* The extent to which the proposed program or project sets out activities clearly related to the needs identified and to the stated objectives, which activities (a) complement activities being carried out by the appropriate local educational agency or agencies (5 points); (b) provide opportunities for artists to assist students in the development of artistic expression (5 points); (c) provide opportunities for artists to create, and arts groups to present, activities that promote interracial and intercultural understanding (5 points); and (d) provide opportunities for the artists to serve as a resource to the appropriate school, local educational agency, and community (5 points).

(ii) *Staffing (20 points).* At a minimum, the proposed program or project must set out a plan to utilize qualified minority group artists and arts groups. Points will be awarded on the basis of the extent to which the application demonstrates that: (a)(1) at least 50% of the artists and art group members (when taken together as a group) to be utilized by the applicant are minority group members (*5 points*); and (a)(2) the proportion of members of each minority group among such artists and art groups (when taken together as a whole) represents the proportion of such minority groups in the minority population of the State in which the applicant is located (*5 points*); (b) qualified artists and art groups who have demonstrated the ability to work effectively with students and teachers in interracial/intercultural educational settings will be utilized (*5 points*); (c) the presence or availability of a State level project director with experience in education, the arts, and interracial/intercultural relations (*3 points*); and (d) adequate training and

orientation will be provided for students, teachers, and other educational personnel in the uses of artists and arts experiences, and for artists in the need of students, teachers and administrators (*2 points*).

(iii) *Delivery of services (10 points).* The extent to which the proposed program or project (a) involves to the fullest extent practicable the total educational and artistic resources already existing in the community or communities to be served, including those of other public or nonprofit private agencies, organizations, or institutions (*2 points*); (b) describes available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities (*2 points*); (c) provides for effective notification of and communication with the intended beneficiaries of proposed activities (*2 points*); (d) gives evidence of coordination with, mutual support of, the State education agency's arts education programs (*2 points*); and (e) gives evidence that proposed projects, programs, or activities will be documented so that successful models can be replicated (*2 points*). For purposes of this subdivision, "community or communities to be served" shall mean the community or communities in which are located local educational agencies in which activities are to be conducted with assistance made available under § 185.91–1.

(iv) *Parent and community involvement (5 points).* The extent to which the application (a) provides for increased communication between parents and the school system (*2 points*); and (b) provides for specific opportunities for community and parental participation in the implementation of the proposed program, project, or activity in addition to those required by § 185.94–1. (*3 points*).

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving tht stated objectives (*2 points*); (ii) the costs of project components are reasonable in relation to the expected benefits (*2 points*); and (c) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity (*2 points*).

(5) *Evaluation (5 points).* The extent to which the application sets out a format for objective measurement of the results of the proposed program, project, or activity, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data (*2 points*); and (ii) a description of the instruments to be used for evaluation of the proposed program, project, or activity, or a description of the procedure to be employed in selecting such instruments (*3 points*).

(6) In making the determination required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of the arts, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(11), 1609(c)(1)(2), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.91–1(a) the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance pursuant to § 185.91–1(b) and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted for such assistance have been exhausted. Awards of assistance made pursuant to § 185.91–1(a) will be limited to an approximate range of $50,000 to $100,000. No more than one award of assistance pursuant to § 185.91–1(a) will be made in any State.

(20 U.S.C. 1609(c)(1)(C))

4. Section 185.94–1 is added after § 185.94 to read as follows:

§ 185.94–1 Community involvement.

(a) Advisory committee. A public agency or organization applying for assistance pursuant to § 185.91–1(a) shall, prior to submission of such an application, consult with a State level advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(20 U.S.C. 1607(a))

(b) *Composition.* (1) In order to establish a State level advisory committee as required by this section, the applicant shall designate four State level civic or community organizations (which when taken together rather than considered individually, are broadly representative of the minority and nonminority communities in the State), one State level teacher organization, and one State level parent organization, each of which shall select one member of their organization to serve as a member of the State level advisory committee. In addition the applicant shall designate a State level student organization or organizations to select student members so that the membership of the State level advisory committee will include one nonminority group student and one Student from each minority group substantially represented in the State.

(2) The State level advisory committee formed pursuant to paragraph (a) of this section must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the State, including at least one member with arts or arts related experience. In addition to members selected pursuant to subparagraph (1), the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph

(20 U.S.C. 1607(a))

(c) *Public hearing and publication.* Public agencies or organization applying for assistance pursuant to § 185.91–1(a) shall hold at least one open, public hearing with parents, teachers, and secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (b) of this section, at which hearing such persons are afforded a full opportunity to understand the program, project, or activity for which assistance is being sought and to offer recommendations thereon. Such hearing shall be held no less than 7 days prior to submission of an application under the Act, and shall be advertised in a newspaper of statewide circulation or otherwise made public not less than 7 days prior to the date of such hearing. Such publication shall include the names of the members of the State level advisory committee established pursuant to paragraph (a) of this section and a statement of the purpose of such committee. Evidence of such publication and a copy of the minutes of the hearing required by this subparagraph shall be submitted with such agency's application for assistance. At a minimum, such minutes shall include a statement of the date, time and location of such hearings, the number of persons in attendance, and a brief summary (not a verbatim transcript) of the views expressed at such hearing.

(20 U.S.C. 1607(a))

(d) *Comments and Suggestions by Advisory Committee.* No application for assistance pursuant to § 185.91–1(a) shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (b) of this section. No amendment to a program, project, or activity assisted under § 185.91–1(a) shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of and has been given an opportunity to comment upon, such amendment of or addition to such program,

project, or activity. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(e) *Post-award consultation.* Each application for assistance pursuant to § 185.91–1(a) shall contain an assurance that the applicant will consult at least monthly with its State level advisory committee established under this section with respect to policy matters arising in the administration and operation of any program, project, or activity for which funds are made available under § 185.91–1, and that will provide such committee with a reasonable opportunity to periodically observe and comment upon all project related activities.

(20 U.S.C. 1607(a))

[FR Doc.74–6084 Filed 3–14–74;10:00 am]

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Administration of Grant Payments

Pursuant to the authority contained in subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following regulations under Subpart G of 45 CFR Part 190 covering the administration of the Basic Educational Opportunity Grant Program. The regulations deal with procedural and administrative matters relating to the disbursement of funds to students.

Regulations covering the determination of the expected family contribution for both dependent and independent students have been previously published (as subparts C and D of 45 CFR) Part 190 at 38 FR 15418 on June 11, 1973. Proposed regulations covering the scope, purpose and general definitions; procedures for applying for the determination of expected family contribution; allowable costs of attendance; and determination of Basic Grant awards were published (as proposed subparts A, B, E, and F of 45 CFR, Part 190, respectively) as notice of proposed rule making at 38 FR 18778 on July 13, 1973.

The proposed Subpart G in the main sets forth the procedures for computing and the manner of the disbursement of funds in those cases where an institution of higher education enters into an agreement with the Commissioner for that purpose. Section 190.86 provides for making Basic Grant payments to students attending institutions which have not entered into such an agreement with the Commissioner.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Mr. Peter K. U. Voigt, Acting Director, Division of Basic Grants, U.S. Office of Education, ROB–3, Room 5678, 400 Maryland Avenue, S.W., Washington, D.C. 20202. All relevant material received on or before April 15, 1974 will be considered. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:30 p.m.

(Catalog of Federal Domestic Assistance Program No. 13.539, Basic Educational Opportunity Grant Program.)

Dated: February 5, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 11, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 190 of Title 45 of the Code of Federal Regulations is amended by adding the following:

Subpart G—Administration of Grant Payments

Sec.

190.71 Scope.
190.72 Special definitions.
190.73 Institutional agreements.
190.74 Advancement of funds to institutions.
190.75 Payment of Basic Educational Opportunity Grant awards.
190.76 Cut-off dates for making application for awards.
190.77 Overpayment of a Basic Educational Opportunity Grant.
190.78 Effect of institutional refunds.
190.79 Fiscal control and fund accounting procedures.
190.80 Maintenance and retention of records.
190.81 Submission of reports.
190.82 Duration of student eligibility.
190.83 Attendance at more than one institution during an academic year.
190.84 Concurrent receipt of multiple Basic Educational Opportunity Grant payments prohibited.
190.85 Recalculation of Basic Educational Opportunity Grant award.
190.86 Calculation and disbursement of awards by the Commissioner of Education.

AUTHORITY: Sec. 411 of Public Law 89–329 as added by sec. 131(b) of Public Law 92–318, 86 Stat. 247–251 (20 U.S.C. 1070a), unless otherwise noted.

Subpart G—Administration of Grant Payments

§ 190.71 Scope.

The provisions of this subpart, which deal with matters relating to program administration by institutions of higher education, unless otherwise noted are applicable only to those institutions that have entered into agreements with the Commissioner for that purpose pursuant to § 190.73.

(20 U.S.C. 1070a)

§ 190.72 Special definitions.

(a) "Payment schedule" means a table, effective for a given year, published by the Commissioner which indicates the amount of a student's Scheduled Basic Educational Opportunity Grant based on the Family Contribution Schedules effective for that year as described in Subparts C and D of this part, the cost of attendance at the institution in which the student is enrolled as defined in § 190.51, and the amount of funds available for making grants under this part for that year.

(b) "Scheduled Basic Educational Opportunity Grant award" means the amount of a Basic Educational Opportunity Grant which would be paid to a full-time student for a full academic year.

(20 U.S.C. 1070a)

§ 190.73 Institutional agreements.

(a) The Commissioner may, and ordinarily will, enter into an agreement with institutions of higher education that desire to do so for the purpose of calculating and disbursing Basic Educational Opportunity Grant awards to students enrolled in those institutions. The agreement will contain such terms as are necessary to effectively carry out the Basic Educational Opportunity Grant Program.

(b) The Commissioner will send to each institution with which he has an agreement pursuant to paragraph (a) of this section a payment schedule for each academic year.

(20 U.S.C. 1070a)

§ 190.74 Advancement of funds to institutions.

The Commissioner will make funds available to institutions of higher education for the purpose of making Basic Educational Opportunity Grant payments to eligible students at those institutions. The amount of funds advanced to each institution will reflect the amount estimated by the Commissioner to be needed by that institution to make such payments and that amount may be adjusted periodically to more accurately reflect that need.

(20 U.S.C. 1070a(b)(3)(A))

§ 190.75 Payment of Basic Educational Opportunity Grant awards.

(a) An institution shall make payment of a Basic Educational Opportunity Grant to a student on the basis of having made the following determinations:

(1) that the student applying for the grant meets the eligibility requirements of § 190.3. In making this determination the institution is entitled to rely on information provided by the student if the institution has no direct independent knowledge with respect to such information;

(2) the amount equal to the actual cost of attendance of such student in accordance with § 190.51;

(3) the amount of the student's Scheduled Basic Educational Opportunity Grant in accordance with the payment schedule in effect for the period involved; and,

(4) the amount by which the amount determined in paragraph (a) (3) of this section should be reduced on the basis of the full-time or part-time nature of the student's enrollment and on the basis of the portion of the academic year during which the student is not or will not be enrolled.

(b) Payment of Basic Educational Opportunity Grant awards shall be made in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods, payments shall be made in equal amounts not less than twice during an academic year, but in any event one payment shall be made at the beginning of the academic year and another at the midpoint of the academic year. However, except where prohibited by § 190.76(c) funds paid to a student with respect to an academic period which has already been completed may be paid to such student in one lump sum payment.

(c) Payments to a student may be made by check or by credit to the student's account with the institution. If payments are made to a student by crediting his account, the institution shall provide the student with a receipt for each such transaction and the credit entry to the student's account shall be clearly identifiable.

(20 U.S.C. 1070a)

§ 190.76 Cut-off dates for making application for awards.

(a) Except in cases where paragraph (b) of this section applies, in order to receive a Basic Educational Opportunity Grant for an academic year a student must prior to May 31 of that academic year apply for such a grant by submitting to the institution in which he is enrolled, or to the Commissioner pursuant to § 190.86, an official "Family Contribution Analysis Report".

(b) If a student enrolls in an institution on or after May 1 of an academic year, he may receive a Basic Educational Opportunity Grant for that academic year if he submits the official "Family Contribution Analysis Report" to the institution, or pursuant to § 190.86 to the Commissioner, prior to June 30 of that academic year.

(c) No payment may be made to a student who at the time he submits a "Family Contribution Analysis Report" to an institution of higher education is no longer enrolled and in attendance in an eligible program in that institution of higher education.

(20 U.S.C. 1070a)

§ 190.77 Overpayment of a Basic Educational Opportunity Grant.

In the event that an institution makes an overpayment to a student under this part, the institution shall cooperate fully with the Commissioner, making every reasonable effort to effect the return of such overpayment. The institution is not, however, liable for any overpayments which are not recovered unless such overpayment was made by the institution under circumstances where the regulations or instructions of the Commissioner clearly indicate that such payment should not have been made.

(20 U.S.C. 1070a)

§ 190.78 Effect of institutional refunds.

An institution shall reduce to writing its policy for making refunds of amounts paid on account of tuition, fees, room and board to students who withdraw or fail to pursue their course of study at such institution. A copy of such policy shall be made available to the Commissioner upon request. If a refund is made to a student pursuant to this policy, the percentage of the refund that the amount of the Basic Educational Opportunity Grant payable to the student during a fiscal year bears to the amount determined by the institution in which the student is enrolled to be the amount required for such student to pursue his studies during such fiscal year shall be restored to the Basic Educational Opportunity Grant account. Such amount shall be returned to the Commissioner by the student if the refund is made to a student by an institution of higher education which has not entered into an agreement under § 190.73.

(20 U.S.C. 1070a)

§ 190.79 Fiscal control and fund accounting procedures.

(a) All funds received and disbursed under this part shall be handled through an account, which may be an existing account (preferably one maintained for Federal funds), provided adequate control ledgers are maintained to properly account for such funds separately from other funds. All such accounts shall be subject to audit by the Commissioner at such times as the Commissioner will determine. At no time may the funds in such account be in an amount less than the balance reflected in the control ledgers.

(b) Funds received by an institution pursuant to this part are to be held in trust for the intended student beneficiaries. Such funds may be used only for the purposes for which they are advanced and may not be pledged or hypothecated for any other purpose.

(20 U.S.C. 1070a)

§ 190.80 Maintenance and retention of records.

Each institution shall maintain adequate records, for such period of time as prescribed by the Commissioner, with regard to (a) the eligibility or lack thereof, of all students enrolled in the institution who have applied to the institution for a Basic Educational Opportunity Grant, (b) the amount of such grants as have been awarded and to whom, (c) the amount and date of disbursements of such grants to such students, and (d) the amount and date of any overpayments of awards that have been restored to the program account. Such records shall include the "Family Contribution Analysis Report" for each student, the student's cost of attendance at the institution, and the basis on which his full-time or part-time enrollment status was determined and the basis on which the portion of the academic year for which the student was enrolled was determined. Further, the institution shall at all reasonable times make available for inspection by authorized representatives of the Commissioner, at the offices of the institution, all books, records, documents, and other evidence bearing on the receipt and expenditure of such funds as have been made available to the institution pursuant to this part. Such right of inspection will extend for a period of five years from the date of submission of a final report covering such funds.

(20 U.S.C. 1070a)

§ 190.81 Submission of reports.

The institution shall submit such reports and information as the Commissioner may reasonably require in connection with the funds advanced to it in accordance with § 190.74 and shall comply with such procedures as the Commissioner may find necessary to ensure the correctness of such reports.

(20 U.S.C. 1070a)

§ 190.82 Duration of student eligibility.

(a)(1) The period during which a student may receive a Basic Educational Opportunity Grant shall be the period required for the completion of the undergraduate course of study being pursued by the student except that such period may not exceed a total of four academic years unless (i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or (ii) the student is, or will be, unable to complete a course of study within four academic years because the student was required to enroll in a noncredit remedial course of study, in which case such period may be extended for not more than one additional academic year.

(2) For purposes of paragraph (a)(1) of this section an academic year means the period of time necessary for a student to complete the equivalent of 28 semester hours, 42 quarter hours, or 900 clock hours of instruction.

(3) For purposes of paragraph (a)(1) of this section, a noncredit remedial course of study means a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

(b) The period of eligibility for a Basic Educational Opportunity Grant as determined under paragraph (a) of this section shall be reduced on the basis of each portion of an academic year for which the student has received grant payments. Such portion of an academic year shall be expressed as the percentage that the payment received bears to the Scheduled Basic Educational Opportunity Grant for the entire academic year.

(20 U.S.C. 1070a)

§ 190.83 Attendance at more than one institution during an academic year.

(a) If a Basic Educational Opportunity Grant recipient withdraws from one institution and applies for a Basic Educational Opportunity Grant at another institution during the same academic year, the student shall submit to that institution an official copy of his "Family Contribution Analysis Report" for calculation of a new Scheduled Basic Educational Opportunity Grant award. If a student transfers to an institution which has not entered into an agreement under § 190.73 he shall follow the procedures described in § 190.86.

(b) The institution shall calculate and disburse the student's award in accordance with § 190.75.

(20 U.S.C. 1070a)

§ 190.84 Concurrent receipt of multiple Basic Educational Opportunity Grant payments prohibited.

A student shall not be entitled to receive a Basic Educational Opportunity Grant payments concurrently from more than one institution or from the Commissioner and an institution during an academic year.

(20 U.S.C. 1070a)

§ 190.85 Recalculation of Basic Educational Opportunity Grant award.

(a) The amount of a student's Basic Educational Opportunity Grant award for an academic year may be recalculated during that academic year where the amount of a student's expected family contribution is redetermined in accordance with § 190.15 or § 190.16, or where the student enrolls at more than one institution during the course of an academic year.

(b) If a student's Basic Educational Opportunity Grant is adjusted in accordance with § 190.15 or § 190.16 such adjustment will be first applicable to the entire academic or payment period described in § 190.75(b) in which the student resubmits his recalculated "Family Contribution Analysis Report" to the institution and for all subsequent academic or payment periods in that academic year.

(20 U.S.C. 1070a)

§ 190.86 Calculation and disbursement of awards by the Commissioner of Education.

(a) If a student enrolls in or transfers to an institution of higher education which has not entered into an agreement with the Commissioner pursuant to § 190.73, the student shall apply to the Commissioner for his Basic Educational Opportunity Grant award. The student shall provide the Commissioner with such information in such form as the Commissioner may from time to time prescribe.

(b) The Commissioner will pay to a student his Basic Educational Opportunity Grant award computed in accordance with the relevant provisions of this part in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods payments will be made in equal amounts not less than twice during an academic year, one payment to be made at the beginning and the other at the midpoint of the academic year.

(20 U.S.C. 1070a)

[FR Doc.74-6083 Filed 3-14-74;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

Office of the Secretary

LOAN TO THE GOVERNMENT OF GREECE

Invitation To Bid

I. INVITATION TO BID—CLASSES OF BIDDERS

The Secretary of the Treasury, acting for the Secretary of Defense, by this notice and under the terms and conditions hereof invites bids on the interest rate on a $25,000,000 loan to the Government of Greece, hereinafter referred to as the borrower. The loan is described in section V hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the borrower of defense articles and services from United States sources in furtherance of the Foreign Military Sales Act, as amended, P.L. 90–626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571–2793 and Executive Order 11501, December 22, 1969, 34 F.R. 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. UNITED STATES GOVERNMENT GUARANTY OF LOAN

The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of 100 percent of the principal and 100 percent of the interest thereon by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that:

> Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

III. TAX EXEMPTIONS

There will be no—

(a) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense; (The lender will be acting merely as a conduit.)

(b) Federal stamp tax; or

(c) tax imposed by the borrower.

IV. THE LOAN, PROMISSORY NOTES, PARTICIPATIONS—ELIGIBILITY FOR PURCHASE BY NATIONAL BANKS AS COLLATERAL FOR TREASURY TAX AND LOAN ACCOUNTS, ETC.

(a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR 203), provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the (Name of the Federal Reserve Bank or Branch of the territory in which the participant is located) in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (Same bank or branch as above), it shall not be further assigned or sub-divided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferrable to any participant or beneficiary.

V. DESCRIPTION OF LOAN AGREEMENT

The principal features of the loan are as follows:

(a) There will be a commitment fee payable semiannually of one-quarter of one percent (¼ of 1%) per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(b) There will be a commitment period from the "date of execution" of the loan agreement to and including April 1, 1975 or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the borrower or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(c) The minimum drawdown under the loan agreement will be 1/50th of the principal amount bid.

(d) The principal is to be repayable in eight consecutive semiannual installments commencing on July 1, 1976 as indicated in Exhibit C attached to the loan agreement. Interest is payable on a fixed semiannual basis beginning on July 1, 1974 and thereafter on January 1 and July 1 of each year until the entire principal has been repaid. Principal is payable with interest beginning on July 1, 1976.

VI. SUBMISSION OF BIDS—ACCEPTANCE AND OPENING OF BIDS

Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of $5,000,000.

Bidders should fill in the blanks in the loan agreement and should furnish three signed copies when submitting the bids.

Most of the blanks are self-explanatory. At section 7.1., the guaranty fee will be 1/400th of the amount of the principal liability under the guaranty.

The bids should be enclosed in sealed envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11:00 a.m., Eastern Daylight Time, on March 29, 1974.

Bids will be opened at the Federal Reserve Bank at 11:00 a.m., Eastern Daylight Time, on March 29, 1974. In determining successful bids, those specifying the lowest rate of interest will be accepted to the extent required to attain the aggregate amount of the loan. Upon the award of bids, the Government of the United States will promptly secure the signature of the borrower to the loan agreement, as well as to necessary copies thereof, and will return one copy.

Dated: March 8, 1974.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

LOAN AGREEMENT

Loan agreement made and entered into the ------ day of ----------, 1974, between the Government of GREECE (hereinafter sometimes referred to as the "Borrower") and ----------, (hereinafter sometimes referred to as the "Undersigned").

Whereas by public notice (which notice is incorporated in this agreement as if fully set forth herein) the Secretary of the Treasury has invited bids on a loan in the amount of $25,000,000 to the Borrower at the lowest basis cost of money;

Whereas the Undersigned has submitted a bid in the amount of $------, for the hereinafter more fully described loan at annual interest rate of ------ percent per annum, payable semiannually;

Now therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

SECTION 1. *Commitment.* 1.1 Subject to the terms and conditions of this loan Agreement the Undersigned agrees to make loans to the Borrower at any time and from time to time from the date of this Loan Agreement to and including April 1, 1975, or such earlier date as the entire loan offered herein by the Undersigned shall have availed of, in an aggregate principal amount up to the amount of ------ U.S. Dollars (U.S. $------).

1.2 Each borrowing hereunder shall be made on such date (hereinafter referred to as a "Disbursement Date") as may be designated by the Borrower upon three (3) business days' written notice from the Borrower to the Undersigned. The initial borrowing hereunder shall be made prior to June 1, 1974. Except for the last borrowing, each such notice shall request a borrowing aggregating at least 1/50th of the principal amount bid. Each notice requesting disbursement (a) shall specify the amount of the loan to be made by the Undersigned on the Disbursement Date; (b) shall be delivered to the Undersigned at its address set forth in section 7.3 hereof; (c) shall specify the account of the Borrower at such Bank to which the proceeds of each loan are to be credited; and (d) shall have annexed thereto the documentation set forth in Exhibit A (Disbursement Procedures) annexed hereto.

1.3 The Borrower hereby agrees to pay to the Undersigned a commitment fee computed at the rate of one-quarter of one percent (¼%) per annum on the daily average unused amount of the Commitment from the date of execution of this loan agreement to and including April 1, 1975 (or such earlier date as the entire Commitment of the Undersigned shall have been availed of). Such commitment fee shall be calculated on a 365-day basis and actual days elapsed.

1.4 The Undersigned may sell participations in the loan to legal entities doing business in the United States.

1.5 At the time at which the Borrower shall send the notices required by section 1.2 above to the Undersigned, it shall deliver thereto a promissory note (which shall be substantially in the form of Exhibit B annexed hereto (with the blanks appropriately filled in)) evidencing the obligation of the Borrower to repay the amount of the loan from the Undersigned with interest thereon as hereinafter set forth. Upon request by the Undersigned at any time, the Borrower shall deliver to the Undersigned, in place of any such promissory note, two or more separate promissory notes in such amounts, aggregating not more than the amount of the note such notes shall replace, as shall be specified by the Undersigned. The promissory notes hereinabove referred to are hereinafter referred to as the "Notes" and individually as a "Note."

SEC. 2. *Repayment.* 2.1 The Borrower hereby agrees:

(a) To pay interest on the outstanding balance of the principal of the loans made under this Loan Agreement on a fixed semiannual basis, such interest payments to begin July 1, 1974, and thereafter on January 1, 1975, and each January 1 and July 1 following, until the entire principal of the loans shall have been repaid; and

(b) To repay the principal of the loans made under this Loan Agreement in accordance with the Principal Repayment Schedule set forth in Exhibit C annexed hereto.

(i) If on any installment repayment date set forth in the Principal Repayment Schedule the Borrower shall not have availed itself of the Commitment of the Undersigned in an aggregate amount (less repayments previously made) equal to the aggregate installment of principal which is repayable on such date to the Undersigned, the Borrower shall, on such installment repayment date, repay to the Undersigned the full amount (less repayments previously made) to which it has availed itself of the Commitment of the Undersigned to such date, together with the interest accrued thereon. If at any time thereafter the Borrower shall avail itself of the Commitment of the Undersigned in an amount which would have been payable on a prior installment repayment date but for the provisions of the immediately preceding sentence, such amount, together with interest accrued thereon, shall be repayable on the next succeeding installment date of the Principal Repayment Schedule occurring after the disbursement of such amount and the said aggregate installment of principal repayable under the Principal Repayment Schedule to the Undersigned on that date shall be increased by such amount.

(ii) If by the date specified in paragraph 1.1 above, the Borrower shall not have availed itself of the entire amount of the Commitment, the installments of principal repayable to the Undersigned set forth in the Principal Repayment Schedule shall be reduced in the inverse order of the maturity thereof to the extent of the unused balance of the Commitment.

2.2 The Undersigned may sell or assign, at any time, in whole or in part, any one or more of the Notes and/or its rights to receive repayments.

2.3 Each Note shall be dated the Disbursement Date of the loan which such Note evidences and shall bear interest at a rate of ------ percent (------%) per annum on the unpaid principal amount of such Note until such amount shall be paid in full. Such interest on each Note shall be payable with the principal as provided in 2.1. The Notes shall be completed by the Borrower in such a manner that repayment of such loans shall be made in the order of their disbursement, utilizing the Principal Repayment Schedule set forth in Exhibit C (as the same may be adjusted in accordance with sections 2.1(b) (i) and 2.1(b) (ii) hereof), and, in determining whether a particular loan is payable in one or more installments, utilizing a particular installment payment date only after the full utilization of the next preceding installment date.

2.4 The Borrower may, with the prior written consent of the Undersigned, which consent will not be unreasonably withheld, prepay any of the Notes held by the Undersigned, in whole or in part, on any principal repayment date, with accrued interest to the date of such prepayment on the amount prepaid.

2.5 Whenever any payments hereunder or under any Note shall be due on a Saturday, Sunday, or public holiday under the laws of the District of Columbia, such payment may be made on the next succeeding business day, and such extension of time shall, in such case, be included in computing interest in connection with such payment, but excluded from the next interest period.

2.6 All payments by the Borrower to the Undersigned under this Loan Agreement and on the Notes, including without limitation payments of principal of, and interest on, the Notes and payment of any commitment fees or other fees or expenses hereunder, shall be payable to the Undersigned at the address set forth in section 7.3 hereof in U.S. dollars and in immediately available funds.

SEC. 3. *Representations and warranties.* The Undersigned has entered into this Loan Agreement and will make the loans provided for herein on the basis of the following representations and warranties of the Borrower:

3.1 The Borrower has full power, authority and legal right to incur the indebtedness contemplated in this Loan Agreement on the terms and conditions contained herein, and to execute, deliver and perform this Loan Agreement and the Notes;

3.2 The execution, delivery and performance of this Loan Agreement and the Notes will not violate any provisions of, and have been duly and validly authorized under, the laws of the Borrower and all actions necessary to authorize the borrowings hereunder and the execution, delivery and performance of this Loan Agreement and the Notes have been duly taken; and

3.3 This Loan Agreement has been, and each of the Notes when issued will be, duly executed and delivered by persons thereunto duly authorized, and this Loan Agreement constitutes, and each of the Notes when issued will constitute, the valid legally binding, direct and unconditional general obligation of the Borrower, enforceable in accordance with its respective terms.

SEC. 4. Conditions of lending. 4.1 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the condition precedent that, prior to the first Disbursement Date, it shall have reecived an opinion in the English language of the Ministry of Justice of the Government of Greece, dated the date of the initial Disbursement Date, to the same effect as sections 3.1, 3.2, and 3.3 hereof, and to the further effect that specified officials of the Borrower identified by name and title in such opinion are duly authorized to execute and deliver this Loan Agreement, the Notes and such other documents as may be required hereunder on behalf of the Borrower, to establish and draw upon an account of

the Borrower at the Bank to which account the Undersigned shall disburse the proceeds of all borrowings hereunder, and to certify to such Bank on behalf of the Borrower the identity, names and titles of any other or additional officials of the Borrower who thereafter may be so authorized.

4.2 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the further conditions precedent that, prior to the first disbursement, it shall have received:

(a) The guaranty of the United States (the "Guaranty"), executed by the Department of Defense, guarantying it against all political and credit risks of nonpayment of the obligations of the Borrower to the Undersigned hereunder (including the entire amount of the principal loaned by the Undersigned hereunder and interest thereon at the rate determined as specified herein, but excluding any amounts owing for commitment fees or other fees or expenses), pursuant to the Foreign Military Sales Act (PL 90-629) as amended (hereinafter called "the Act"); and

(b) An opinion of the General Counsel of DOD, to the effect that (i) DOD has full power, authority and legal right to execute, deliver and perform the Guaranty, (ii) the Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing the Guaranty, exceeded the maximum amount of guaranties authorized to be issued under the Act, (iii) the Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (iv) the Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof and backed by the full faith and credit of the United States.

4.3 The obligation of the Undersigned to make any loan to be made by it hereunder, including the initial loan, is subject to the further conditions precedent that:

(a) No event of default within the meaning of section 6 of this Loan Agreement, and no other default with respect to any of the Notes, shall have occurred;

(b) The Undersigned shall have received a Note or Notes payable to its order (or to the order of such other person or persons as the Undersigned may specify) in the amount of the particular loan, executed by the duly authorized representatives of the Borrower;

(c) The Undersigned shall have received the documentation specified in Exhibit A annexed hereto, executed by the duly authorized representatives of the Borrower; and

(d) All legal matters incident to the Guaranty and the transactions contemplated by this Loan Agreement shall be satisfactory to the counsel of the Undersigned.

SEC. 5. *Covenants.* The Borrower convenants and agrees that from and after the date of this Loan Agreement and so long as any amounts remain unpaid on account of the Notes or otherwise under this Loan Agreement:

(a) All payments on account of the principal of, and interest on, the Notes, commitment fees and other fees and expenses shall be made free and clear of and without deduction for, any and all taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the Borrower or any central or local authority thereof or therein;

(b) Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments;

(c) It will pay any and all stamp taxes and other taxes of similar character, if any, now or hereafter in effect, imposed with respect to this Loan Agreement or the Notes (including, without limitation, any United States Interest Equalization Tax or similar future tax), and will save the holder of any Note harmless from any and all losses or liabilities with respect to or resulting from any delay or omission to pay such taxes.

(d) Any legal action or proceeding against it by the Undersigned with respect to this Loan Agreement or the Notes may be brought in the Superior Court of the District of Columbia or in the United States District Court for the District of Columbia or in the Courts of the Borrower, as the Undersigned may elect, and by execution and delivery of this Loan Agreement, the Borrower submits to each such jurisdiction. In the case of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, the Borrower consents to the service of process out of said Courts by mailing copies of such process by registered United States mail, postage paid, to it at its address set forth in section 7.3 hereof; and

(e) All loans made hereunder shall be utilized solely for the procurement of the Defense items pursuant to Purchase Arrangements authorized by DOD.

SEC. 6. *Defaults.* Upon the occurrence of any of the following events or default:

(a) If the Borrower fails for a period of ten (10) days to make any payment of principal of, or interest on, any Note or of any commitment fee hereunder, when due; or

(b) If any representation or warranty made by the Borrower herein or in any certificate furnished by the Borrower pursuant hereto, proves to be at any time incorrect in any material respect; or

(c) If the Borrower defaults in the performance of any other term, covenant or agreement contained in this Loan Agreement, and such default shall continue unremedied for thirty (30) days after written notice thereof shall have been given to the Borrower by the Undersigned;

then, and in any such event, the holder of any Note may declare immediately due and payable the unpaid principal of, and accrued interest on, all Notes held by such holder and such amounts shall become immediately due and payable without protest, presentment, notice or other demand of any kind, all of which are hereby expressly waived by the Borrower, and the Undersigned may terminate its Commitment hereunder.

SEC. 7. *Miscellaneous.* 7.1 Upon the execution of this Loan Agreement, the Borrower shall pay to the Undersigned the aggregate sum of $_____ in payment of the fee charged by DOD with respect to the Guaranty.

7.2 No failure to exercise and no delay in exercising on the part of the Undersigned, any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof, or the exercise of any other power or right. The rights and remedies herein provided are cumulative and not exclusive of any rights or remedies provided in this Loan Agreement.

7.3 Except as otherwise provided in this Loan Agreement, all notices, requests or demands hereunder shall be deemed to have been given or made upon the mailing of the same by air mail, postage prepaid, or in the case of telegraphic notice, on delivery to the telegraph company, addressed in the case of the Borrower to the Embassy of the Government of Greece, 2221 Massachusetts Avenue NW., Washington, D.C. 20008 and to the Office of the Comptroller, DSAA (Room 4B742), The Pentagon, Washington, D.C. 20301, and in the case of the Undersigned to _____ or to such other addresses as any party may from time to time hereafter designate in writing to the other.

7.4 This Loan Agreement and the Notes shall be construed and interpreted in accordance with the laws of the District of Columbia, United States of America, unless prior to the execution of this Loan Agreement and the Notes the parties hereto have by written stipulation agreed that the laws of another jurisdiction of the United States shall be applied.

7.5 This Loan Agreement shall be binding upon and inure to the benefit of the Borrower and the Undersigned and their respective successors and assigns, except that the Borrower may not assign its rights hereunder without the prior written consent of the Undersigned. All agreements, covenants, representations and warranties made herein shall survive the delivery of the Notes and the making of the loans hereunder.

7.6 This Loan Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute a single instrument. Exhibits A and B attached hereto are, by this reference, made a part of this Loan Agreement.

7.7 In case any one or more of the provisions contained in this Loan Agreement or in any of the Notes should be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and therein shall not in any way be affected or impaired thereby.

In witness whereof, the parties hereto have caused this Loan Agreement to be executed and sealed by their duly authorized officers and representatives on the day and year first above written.

[SEAL]_____

[SEAL]_____

EXHIBIT A—DISBURSEMENT PROCEDURES

The following procedures and conditions shall be complied with prior to each disbursement to be made by the Undersigned to the Borrower:

1. The designated representative of the Government of _____ shall execute and deliver each request for disbursement to the Undersigned at its address set forth in section 7.3 of the foregoing Loan Agreement.

2. Each request shall be accompanied by a copy of the written communication from DOD authorizing the Borrower to enter into the Purchase Arrangement(s) pursuant to which the disbursement is requested.

3. Each request also shall be accompanied by a certification of the Borrower as follows:

"The Government of _____ confirms that the proceeds of this disbursement will be applied entirely to the payment of amounts that have become properly due pursuant to the Purchase Arrangement(s) authorized by the Department of Defense to the United States of America in the attached written communication. This disbursement is requested by the Government of _____ pursuant to the terms of the Loan Agreement of _____ between the Government of _____ and the Undersigned, and confirms that the said Purchase Arrangement(s) (was/were) authorized by

the Department of Defense of the United States of America pursuant to the aforesaid Loan Agreement. The Government of _____ _____ further confirms that the Undersigned to which this certification is addressed is authorized to make this disbursement by crediting the amount thereof to Account Number _____, at such Bank, and that _____, whose signature appears below, is (and, until further written notice, shall continue to be) authorized to draw upon such account on behalf of the Government of _____.

"Signature of the representative of the Government of _____ who is authorized to draw upon its account: "_____
"Government of _____
"By _____"

(Name and Title Typed)

EXHIBIT B—PROMISSORY NOTE

_____
(Location) (Date)

U.S. $_____

For value received, the Undersigned, the Government of _____, hereby promises to pay to the order of _____, or its assigns, the principal sum of _____ United States dollars (U.S. $_____) as follows:

_____
(Amounts) (Dates)

together with interest on any and all amounts remaining unpaid hereunder from time to time from the date hereof until this Note shall be paid in full, payable semi-annually on _____ and _____ of each year from the date hereof, commencing _____, 197__, at the rate of _____ percent (__%), per annum. Such interest shall be calculated using a 365-day factor, both principal and interest to be payable in immediately available funds in lawful money of the United States of America at the office of the payee at _____, or at the principal place of business of the assignee. All payments made on acocunt of the principal amount hereunder shall be endorsed by the payee, or its assigns, on the reverse side of this Note.

Whenever any payment to be made shall be due on a Saturday, Sunday or a public holiday under the laws of the District of Columbia, such payment shall be made on the next succeeding business day, and such extension of time shall in such case be included in computing interest in connection with such payment, but excluded from the next interest period.

This Note is one of the Notes referred to in the Loan Agreement dated _____, 197__, between the Government of _____ _____ and _____.

It is entitled to the benefits of and may be prepaid on the terms and conditions specified in said Loan Agreement. Prepayments shall be applied to the installments hereof in the inverse order of their maturity.

All payments of principal of, and interest on, this Note are payable free and clear of, and without deduction for, any taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the Government of _____ _____ or any central or local authority thereof or therein.

Upon the occurrence of any event of default specified in said Loan Agreement, the entire unpaid principal hereof and interest hereon to the date of payment may be declared to be forthwith due and payable as provided in said Loan Agreement. The Government of _____ promises to pay all out-of-pocket costs and expenses (including the reasonable fees and out-of-pocket expenses of counsel) in connection with collection after default of this Note.

Government of_____
[SEAL] _____
By _____
(Name and Title Typed)

EXHIBIT C—PRINCIPAL REPAYMENT SCHEDULE

The First $3,125,000 of Disbursements are Repayable on Jul 1, 1976.

The Next $3,125,000 of Disbursements are Repayable on Jan 1, 1977.

The Next $3,125,000 of Disbursements are Repayable on Jul 1, 1977.

The Next $3,125,000 of Disbursements are Repayable on Jan 1, 1978.

The Next $3,125,000 of Disbursements are Repayable on Jul 1, 1978.

The Next $3,125,000 of Disbursements are Repayable on Jan 1, 1979.

The Next $3,125,000 of Disbursements are Repayable on Jul 1, 1979.

The Last $3,125,000 of Disbursements are Repayable on Jan 1, 1980.

GUARANTY AGREEMENT

This guaranty agreement, made and entered into on the _____ day of _____, 1974, (hereinafter called the "Guaranty"), between _____, a banking association doing business under the laws of _____, (hereinafter called the "Lender(s)"), on the one part, and the Government of the United States of America (hereinafter called the "United States"), acting through the Department of Defense of the United States (hereinafter called "DOD"), on the other part;

WITNESSETH:

Whereas, the Government of Greece (hereinafter called the "Borrower") desires to purchase certain defense articles and defense services (hereinafter called "Defense Items") from United States sources; and

Whereas, the Lender has entered into a Loan Agreement dated _____, 1974, (hereinafter called the "Loan Agreement"), with the Borrower to provide for the extension of credit to the Borrower of up to U.S. $30,000,000; and

Whereas, the Lender(s) obligation under the Loan Agreement to make the initial loan thereunder is to be conditioned upon the issuance of a guaranty from the United States against all political and credit risks of nonpayment by the Borrower of its obligations under the Loan Agreement to pay the principal of and interest on all extensions of credit by the Lender(s) under the Loan Agreement; and

Whereas, the Loan Agreement will provide for the issuance by the Borrower to the Lender(s) of promissory notes (herein called the "Notes") evidencing the loans made by the Lender(s) from time to time under the Loan Agreement; and

Whereas, it is intended that each loan under the Loan Agreement will be repaid by the Borrower in eight (8) semiannual installments, the first of which shall be due July 1, 1976, and the remaining seven (7) installments shall be due and payable successively semiannually thereafter on January 1 and July 1 of each year with interest payable semiannually at the interest rate set forth in the Notes; and

Whereas, the aforesaid credit will be available only to finance the purchase of Defense Items from United States sources; and

Whereas, the Loan Agreement by the Lender(s) will facilitate and will be in furtherance of the purposes of the Foreign Military Sales Act, Public Law 90-629, as amended (hereinafter called the "Act").

Now therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

The United States, acting through DOD, in consideration of the fee specified in Article IV of this Guaranty, and except as otherwise specified in this Guaranty Agreement, hereby unconditionally and irrevocably severally guarantees each Lender under the authority of section 24 of the Act, the due and punctual payment in United States Dollars of all amounts payable by the Borrower as principal of all loans made by the Lender(s) under the Loan Agreement and as interest at the rate set forth in the Notes whether or not such obligations are evidenced by Notes. Any disbursement by the Lender(s) shall be considered, for the purpose of this Guaranty, to be a loan made by such Lender(s) under the Loan Agreement if in fact the funds so disbursed are applied to the purchase of articles or services approved in writing by DOD for purchase by the Borrower under the Loan Agreement, or if such disbursement is made in accordance with the procedures to be specified in the Loan Agreement and the Lender(s) is in receipt of documents that on their face conform to such requirements and indicate that DOD has approved in writing the purchases by the Borrower for which the disbursement is requested.

This Guaranty is a guaranty of payment covering all political and credit risks of nonpayment, including any nonpayments arising out of any claim which the Borrower may now or hereafter have against any person, corporation, firm or association, or other entity (including, without limitation, the United States, the Lender(s) and any supplier of Defense Items) in connection with any transaction, for any reason whatsoever. This Guaranty shall inure to the benefit of and shall be enforceable severally by each Lender(s), it respective successors by operation of law, or its endorsees, assignees or transferees (the Lender(s) and any such successor by operation of law, endorsee, assignee or transferee being hereinafter individually sometimes called a "Beneficiary" and collectively the "Beneficiaries"). All provisions of this Guaranty shall be severally applicable to any Beneficiary acting in its own right in connection with the Notes, the Loan Agreement or this Guaranty.

The United States hereby waives diligence, demand, protest, presentment, and any requirement that any Beneficiary of this Guaranty exhaust any right or power to take any action against the Borrower and any notice of any kind whatsoever other than the demand for payment required to be given to DOD hereunder in the event of default on a payment due under the Notes.

The United States further agrees that any claim which it may now or hereafter have against any Beneficiary for any reason whatsoever shall not affect in any way the right of any other Beneficiary to receive full and prompt payment of any amount otherwise due under this Guaranty.

The full faith and credit of the United States is pledged to the performance of this Guaranty.

The United States represents and warrants that (a) it has full power, authority and legal right to execute, deliver and perform this Guaranty, (b) this Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing this Guaranty, exceeded the maximum amount of guarantees authorized to be issued under the Act, (c) this Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (d) this Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof.

ARTICLE II

Payment by DOD in the event of a default in the payment of any Note, or any portion thereof, by the Borrower shall be made promptly to the Beneficiary in New York Federal Reserve Funds at the address specified by the Beneficiary (which in the case of the Lender(s) shall be its address set forth opposite its signature below) upon demand to DOD by the Beneficiary after such default has continued for more than 15 days. The amount payable under this Guaranty shall be the amount of any principal and interest then in default, together with interest at the rate then applicable to the defaulted Note from the date of default to the date of payment by DOD. No interest shall be payable by DOD for any period following 30 days after default if the Beneficiary fails to make such demand within 30 days after default. DOD reserves the right to make payments due to a Beneficiary from the Borrower whether or not demand to DOD by the Beneficiary therefore has been made. Upon payment by DOD to a Beneficiary, such Beneficiary will assign to the United States, without recourse to or warranty by such Beneficiary, the corresponding amount of such Beneficiary's rights to such payment from the Borrower.

ARTICLE III

The Lender(s) shall communicate to DOD the date and amount of each disbursement made by the Lender(s) and the date and amount of each payment of principal and interest made by the Borrower under the Loan Agreement within thirty (30) days after each such disbursement and each such payment. Each such communication shall be sent to the Comptroller, Defense Security Assistance Agency, The Pentagon, Washington, D.C. 20301.

ARTICLE IV

DOD acknowledges receipt from the Lender(s) of payment of a guaranty fee of $_____.

ARTICLE V

So long as this Guaranty Agreement is in effect and the United States is not in default hereunder, in the event of a default under the Loan Agreement or in the payment of any Note, or any portion thereof, by the Borrower—

(a) The Lender(s) shall not accelerate or reschedule payment of the principal amount of or interest on any of the Notes except with the written approval of DOD; and

(b) The Lender(s) shall, if so directed by DOD, invoke the default provisions of the Loan Agreement, and shall suspend any further disbursements to, or on behalf of, the Borrower until the Lender(s) has been advised by DOD that it may resume payments under its Commitment.

ARTICLE VI

The Lender(s) will not agree to any material amendment of the Loan Agreement or consent to any material deviation from the provisions thereof without the prior written consent of DOD.

ARTICLE VII

Any Beneficiary's rights under this Guaranty may be assigned to any individual, corporation, partnership, or other association going business in the United States of America. In the event of such assignment DOD shall be promptly notified.

ARTICLE VIII

Any notice, demand, request or the like on behalf of the United States hereunder will be effective for the purposes hereof if signed by the Director, or Deputy Director, Defense Security Assistance Agency, or their respective successors in office and delivered to the Lender(s) at its address set forth opposite its signature below. Any notice, demand, request or the like on behalf of any Beneficiary of this Guaranty will be effective for the purposes hereof if signed by an authorized official of any such Beneficiary and delivered to the Director, Defense Security Assistance Agency, or his successor in office.

In witness whereof, the parties hereto have caused this Guaranty to be duly executed and sealed on the date first mentioned above.

SIGNATURES

Address: _____

[SEAL] By _____

GOVERNMENT OF THE UNITED STATES OF AMERICA ACTING THROUGH THE DEPARTMENT OF DEFENSE,

[SEAL] By _____

[FR Doc.74-6078 Filed 3-14-74;8:45 am]

WELT WORK SHOES FROM ROMANIA

Antidumping Proceeding

MARCH 12, 1974.

On February 5, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that welt work shoes from Romania are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for home market consumption in a country not having a controlled economy.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6210 Filed 3-14-74;9:26 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[INT DES 74-29]

DIABLO LAKE RESORT; ROSS LAKE NATIONAL RECREATION AREA, WASH.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the development concept plan for Diablo Lake Resort, Ross Lake National Recreation Area, Washington.

The statement considers a program of expansion and improvement of the Diablo Lake Resort and the development of recreational facilities in the resort area.

Written comments on the environmental statement are invited and will be accepted on or before April 29, 1974. Comments should be addressed to the Regional Director, Pacific Northwest Region, or the Superintendent, North Cascades National Park Service Complex, at the addresses given below.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, Washington 98101

Superintendent
North Cascades National Park Service Complex
Sedro Wooley, Washington 98284

Stehekin District Office
North Cascades National Park Service Complex
206 Manson Road
Chelan, Washington 98816

Dated: March 11, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-6073 Filed 3-14-74;8:45 am]

[INT DES 74-28]

PINNACLES NATIONAL MONUMENT, 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 master plan for Pinnacles National Monument, California.

The statement considers measures to preserve the resources of Pinnacles National Monument which include land acquisition, relocation of visitor facilities, conversion of all facilities to day use, and the installation of a visitor shuttle system.

Written comments on the environmental statement are invited and will be accepted on or before April 29, 1974. Comments should be addressed to the Superintendent, Pinnacles National Monument at the address given below.

Copies are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue
P.O. Box 36063
San Francisco, California 94102

Los Angeles Field Office
New Federal Building, Rm. 2202
300 North Los Angeles Street
Los Angeles, California 90012

Superintendent
Pinnacles National Monument
Paicines, California 95043

Dated: March 8, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-6072 Filed 3-14-74;8:45 am]

[INT FES 74-13]

GLACIER NATIONAL PARK, MONT.

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for a proposed Many Glacier sewerage system in Glacier National Park, Montana.

The environmental statement considers the social, economic, and ecological effects of constructing a sewage collection system and an aeration pond/sprayfield treatment facility for the Many Glacier area in Glacier National Park, Glacier County, Montana.

Copies of the final environmental statements are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska

Superintendent
Glacier National Park
West Glacier, Montana 59936

Dated: March 8, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-6074 Filed 3-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BOULDER-GROVER ROAD

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Boulder-Grover Road, Dixie National Forest, Utah. The Forest Service report number is USDA-FS-FES (Adm) R4-74-2.

The environmental statement considers alternatives and effects of reconstructing this 28.5 mile section of road crossing the east slope of Boulder Mountain on National Forest System land.

This final environmental statement was transmitted to CEQ on March 6, 1974.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324 25th Street
Ogden, Utah 84401

Forest Supervisor
Dixie National Forest
500 South Main
Cedar City, Utah 84720

District Forest Ranger
Escalante Ranger District
Escalante, Utah 84726

District Forest Ranger
Teasdale Ranger District
Teasdale, Utah 84773

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main, Cedar City, Utah 84720.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: March 6, 1974.

VERN HAMRE,
Regional Forester.

[FR Doc.74-5988 Filed 3-14-74;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on March 25-26, 1974, from 9 a.m. to 4 p.m. the first day and from 9 a.m. to 4 p.m. the second day. The meeting will be held in Room 645, 500 12th Street SW., Washington, D.C. The meeting will include a program updated, a review of recent participation trends, and discussion of the comprehensive study of the child nutrition programs required by Public Law 93-150. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202-447-8130.

Dated: March 12, 1974.

CLAYTON YEUTTER,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition.

[FR Doc.74-6038 Filed 3-14-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12—SIGNIFICANCE AND IMPACT OF ASCII AS A FEDERAL STANDARD

Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 10 a.m. to 3 p.m. on Wednesday, March 27, 1974, in Lecture Room A, Building 101 of the National Bureau of Standards in Gaithersburg, Maryland.

The purposes of the meeting is to review a draft report from TG-12 based upon ASCII survey questionnaires and to formulate a revised scope for future TG-12 work.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John Little, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3723).

Dated: March 11, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6059 Filed 3-14-74;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13—WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, April 3, 1974, in Room B-255, Building 225 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of this meeting is to initially organize FIPS TG-13, establish orders of Committee business, and to draft specific tasks for further Committee activity.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C.

20234 (Phone—301–921–2830 or 921–3485).

RICHARD W. ROBERTS,
Director.

[FR Doc.74–6058 Filed 3–14–74;8:45 am]

National Oceanic and Atmospheric Administration

APPLICATION FOR TRANSFER OF FISHING VESSELS

Amended Notice of Hearing

MARCH 8, 1974.

On February 28, 1974, there was published in the FEDERAL REGISTER (39 FR 7819) notice of a public hearing on the application of Richard Reiss to, among other things, transfer approximately 72 fishing and work vessels to Seacoast Products, Inc., and New Smith Meal Company, Inc., respectively. In that notice, it was stated that "In order to assure that all written comments will be given full consideration, such comments should be postmarked no later than March 15, 1974."

Notice is hereby given that the March 15, 1974 date is changed to March 20, 1974. Otherwise I have no changes from the notice in 39 FR 7819.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.74–5990 Filed 3–14–74;8:45 am]

National Oceanic and Atmospheric Administration

YELLOWFIN TUNA

Closure of Season

On March 12, 1974, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all member nations having vessels operating in the regulatory area defined in 50 CFR 280.1 (g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on March 18, 1974, to assure that the established catch limit of 175,000 short tons for 1974 will not be exceeded.

As authorized by 50 CFR 280.5, notice is hereby given that the 1974 season for taking yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the regulatory area, March 18, 1974.

Issued at Washington, D.C. and dated March 12, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–6108 Filed 3–14–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY BODIES

April Meetings

The Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of April 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Social Problems Research Review Committee.	April 1–2, 9 a.m., Plaza Room, Dupont Plaza Hotel, Washington, D.C.	Open—April 1, 9–9:30 a.m. Closed—Otherwise contact Herbert H. Coburn, 301–443–4843, Parklawn Bldg., Room 9C–14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, Section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	April 3–5, 1 p.m., District, Press and Room 334, Hotel Washington, Washington, D.C.	Open—April 3, 4–5 p.m. Closed—Otherwise contact Stephanie B. Stolz, 301–443–4337, Parklawn Bldg., Room 10C–14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 4 to 5 p.m., April 3, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Epidemiologic Studies Review Committee.	April 4–5, 9 a.m., Le Director Room, Embassy Row Hotel, Washington, D.C.	Open—April 4, 9–10 a.m. Closed—Otherwise contact Shirley Reff-Margolis, 301–443–3774, Parklawn Bldg., Room 10C–09, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Juvenile Problems Research Review Committee.	April 4–5, 9 a.m., Edison Room, Washington Hilton Hotel, Washington, D.C.	Open—April 4, 9–9:30 a.m. Closed—Otherwise contact Diana Souder, 301–443–3566, Parklawn Bldg., Room 10–99, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Neuropsychology Research Review Committee.	April 4–6, 9 a.m., Montgomery Room, Holiday Inn, Bethesda, Md.	Open—April 4, 9–10 a.m. Closed—Otherwise contact Leonard Lash, 301–443–3936, Parklawn Bldg., Room 10–95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Personality and Cognition Research Review Committee.	April 5–7, 9 a.m., Spring Room, Holiday Inn, Silver Spring, Md.	Open—April 5, 9–9:30 a.m. Closed—Otherwise contact E. Wayne Herron, 301–443–3942, Parklawn Bldg., Room 10C–06, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Psychopharmacology Research Review Committee.	April 11–12, 9 a.m., Shoreham Hotel, Washington, D.C.	Open—April 11, 9–10 a.m. Closed—Otherwise contact Solomon C. Goldberg, 301–443–3524, Parklawn Bldg., Rm. 9–105, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Social Sciences Research Review Committee.	April 11–13, 9 a.m., Gallery Room, Dupont Plaza Hotel, Washington, D.C.	Open—April 11, 9–9:30 a.m. Closed—Otherwise contact Joyce B. Lazar, 301–443–3936, Parklawn Bldg., Room 10–95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Experimental Psychology Research Review Committee.	April 11–13, 9 a.m., Dupont Room, Dupont Plaza Hotel, Washington, D.C.	Open—April 11, 9–9:30 a.m. Closed—Otherwise contact John Hammack, 301–443–3936, Parklawn Bldg., Room 10–95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Program-Projects Research Review Committee.	April 12–13, 9 a.m., Washington-Hilton Hotel, Washington, D.C.	Open—April 12, 9–10:30 a.m. Closed—Otherwise contact Julian J. Lasky, 301–443–4708, Parklawn Bldg., Room 10C–23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., April 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Preclinical Psychopharmacology Research Review Committee.	April 15–16, 9 a.m., Conference Room "C" Parklawn Bldg., Rockville, Md.	Open—April 15, 9–9:30 a.m., Closed—Otherwise contact Marion Miller, 301–443–3454, Parklawn Bldg., Room 9–97, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., April 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Metropolitan Mental Health Problems Review Committee.	April 15–16, 9:00 a.m., Terrace Room, Linden Hill Hotel, Bethesda, Md.	Open—April 15, 9–10:30 a.m. Closed—Otherwise contact A. Robert Polcari, 301–443–3373, Parklawn Bldg., Room 12C–16, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research, fellowships, and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., April 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Crime and Delinquency Review Committee.	April 17–19, 9 a.m., Fairfax Hotel, Washington, D.C.	Open—April 17, 9–10 a.m. Closed—Otherwise contact Carol Beall, 301–443–3728, Parklawn Bldg., Room 12C–04, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Narcotic Addiction and Drug Abuse Review Committee.	April 17–19, 9 a.m., Sheraton Inn, Silver Spring, Md.	Open—April 17, 9–10 a.m. Closed—Otherwise contact Dorothea de Zafra, 301–443–1556, Parklawn Bldg., Room 13–33, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in program areas administered by the National Institute on Drug Abuse relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Projects Research Review Committee.	April 18–20, 9 a.m., Washington-Hilton Hotel, Washington, D.C.	Open—April 18, 9–10:30 a.m. Closed—Otherwise contact Julian J. Lasky, 301–443–4708, Parklawn Bldg., Rm. 10C–23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., April 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Alcoholism and Alcohol-Problems Review Committee.	April 24–26, 9 a.m., Holiday Inn, Bethesda, Md.	Open—April 24, 9–10 a.m. Closed—Otherwise contact J. C. Teegarden, 301–443–4223, Parklawn Bldg., Room 6C–03, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., April 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Alcohol Training Review Committee.	April 26–28, 9 a.m., Executive Suite, Statler-Hilton Hotel, Washington, D.C.	Open—April 26, 9–10 a.m. Closed—Otherwise contact Melvin Davidoff, 301–443–1056, Parklawn Bldg., Room 16C–26, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., April 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Services Research Review Committee.	April 29–30, May 1, 9 a.m., Shoreham Hotel, Washington, D.C.	Open—April 29, 9–10 a.m. Closed—Otherwise contact James Cumiskey, 301–443–3627, Parklawn Bldg., Room 11–105, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., April 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Substantive information may be obtained from the contact persons listed above.

The Information Officers who will furnish summaries of the committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry Bell, Director, Office of Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, telephone no. 443–3306. The NIDA Information Officer is Mr. James Helsing, Program Information Officer for Drug Abuse, National Institute on Drug Abuse, Room 15C–12, telephone no. 443–4566. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Office of Communications, National Institute of Mental Health, Room 15–105, telephone no. 443–3600.

Dated: March 7, 1974.

ROGER O. EGEBERG,
Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74–6032 Filed 3–14–74;8:45 am]

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health

will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard
1. Perchloroethylene (C_2Cl_4).	April 1 to April 30, 1974.	100.0 ppm.
2. Carbon Tetrachloride (CCl_4).	May 1 to May 31, 1974.	10.0 ppm.
3. Benzene (C_6H_6)----	June 1 to June 30, 1974.	10.0 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Dated: March 1, 1974.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74-6033 Filed 3-14-74;8:45 am]

Office of Education

DRUG ABUSE EDUCATION PROJECTS

Proposed Criteria for Selection of Applications for Fiscal Year 1974

1. Pursuant to the authority contained in the Drug Abuse Education Act of 1970 (84 Stat. 1385-1386; 21 U.S.C. 1001, 1002), and the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 71; 21 U.S.C. 1133) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the criteria for the selection of applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention projects as set forth in item V below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the National Drug Abuse Education Program, Office of the Deputy Commissioner for School Systems, U.S. Office of Education, Room 2011, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202 on or before April 1, 1974. Comments received shall be available for public inspection at the above office, Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m.

(Catalog of Federal Domestic Assistance No. 13,420, Drug Abuse Education Program)

Dated: February 14, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 11, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

I. *General—Drug Abuse Prevention and Early Intervention Projects.* (a) The purpose of the Drug Abuse Prevention and Early Intervention projects is to assist local educational agencies to provide trained leadership to deal with drug abuse problems in grades 7 through 12, with emphasis on grades 9 through 12, in schools within the school district of the applicant local educational agency.

(b) Teams composed of educational personnel (such as school administrators, counselors, teachers, psychologists, school board members, and school staff paraprofessionals) will receive short term training in problems related to drug abuse at designated regional training centers. Each team will be composed of five members. There will be at least one administrator, one teacher, and one counselor or psychologist on each team. Team members may represent various schools within the school district of the applicant local educational agency.

(c) One team member (who shall be a full time employee of the local educational agency) shall be designated as the program coordinator, responsible for coordinating the implementation of drug abuse programs, following such training, in the schools represented by the team members.

(d) The training of team members will emphasize activities such as (1) the understanding of drug use and abuse problems among students and how to deal with these problems; (2) familiarization with the current drug culture; (3) the development of communication skills; (4) the development of leadership skills; (5) familiarization with available services to which students with drug problems can be referred; (6) alternatives to drugs; (7) familiarization with a variety of learning environments; and (8) dealing with drug abuse problems on a team basis. Training will also include approaches especially appropriate for dealing with drug abuse problems in a school setting such as group counseling, peer group counseling, group discussions, parent-youth programs, and training in better understanding of other persons and their values. The training centers will provide team members with skills necessary to assess drug abuse problems, mobilize resources, develop and carry out comprehensive drug abuse programs in their local schools, and coordinate their efforts with similar community efforts related to drug abuse. Training centers will provide on-site technical assistance to teams once they have returned to their local schools.

(21 U.S.C. 1001(b), 1002, 1002(b)(5), 1004, 1133)

II. *Applicants for Drug Abuse Prevention and Early Intervention Projects.* Local educational agencies may apply for assistance for Drug Abuse Prevention and Early Intervention projects.

(21 U.S.C. 1002, 1133)

III. *Assurances.* Applicants shall provide satisfactory assurances that team members will be available to participate on a team basis in the development and administration of drug abuse programs in the school district of the applicant upon completion of training at the regional training centers. An application must set forth policies and procedures which assure that Federal funds made available under this program will be so used as to supplement and, to the extent practical, increase the level of funds that would in the absence of such Federal funds, be made available by the applicant for the purposes of this program, and in no case supplement such funds.

(21 U.S.C. 1002, 1133)

IV. *Activities eligible for assistance.* Grants awarded by the Commissioner of Education under the program will not exceed $10,000. A grant may be used to support training of teams (as described in I above) at regional training centers to deal with drug abuse problems. Grants may cover the following expenses:

(1) travel expenses of team members to and from the training centers;

(2) subsistence for team members while undergoing training at the centers;

(3) where appropriate, expenses of the applicant related to the release of team members from their regular duties to attend these training sessions;

(4) hardship expenses (additional expenses which if not reimbursed would prevent individual team members from participating); and

(5) compensation and regular fringe benefits during one academic year following training, for project related activities of the project coordinator (not to exceed $6,000).

(21 U.S.C. 1002, 1133)

V. *Criteria for selection of applications.* In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account, in addition to the criteria set forth in section 1002.26(b) of 45 CFR Subtitle B, Chapter I, subchapter A (General Provisions for Office of Education programs), the following:

(a) the extent to which the award of assistance will result in a distribution of assistance under the program among school systems of varying characteristics such as size, ethnic composition, and socioeconomic level in urban, suburban, and rural areas;

(b) the extent of the drug abuse problem in the schools and local community to be served;

(c) the extent to which the proposed activities address unmet drug abuse education and prevention needs in the schools to be served;

(d) the extent to which any drug abuse prevention and education efforts by the applicant will be coordinated with related efforts by other agencies, organizations and groups in the local community;

(e) the extent to which team membership reflects individuals who have demonstrated leadership or potential for leadership regarding, and concern for, or interest in, drug abuse problems;

(f) the extent to which the team is composed of persons representing a variety of education related disciplines;

(g) the extent to which and the manner in which the team will be utilized after training in the development and administration of drug abuse prevention

and early intervention programs in the schools in the school district of the applicant local educational agency; and

(h) the degree of commitment on the part of the applicant to support and facilitate the drug abuse activities of the team after training is completed as demonstrated by provision for such matters as facilities, administrative support, and program planning.

(20 U.S.C. 1221c(b)(1); 21 U.S.C. 1002, 1133)

VI. *General provisions regulations.* Assistance will be subject to regulations in Part 100a of Title 45 of the Code of Federal Regulations, as well as other applicable statutory and regulatory requirements.

(20 U.S.C. 1221c(b)(1))

[FR Doc.74-6082 Filed 3-14-74;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Meeting

The Child and Family Development Research Review Committee will meet on Monday, March 18 through Wednesday, March 20. The meeting will be held daily from 9 a.m. to 5:30 p.m. in Room 5549, Donohoe Building, 400 Sixth St., SW., Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare, and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Director, OCD, followed by the review of demonstration proposals in the area of child abuse. These applications are exempt from mandatory disclosure under the 5 USC 552(b) (4) and (6) in that they contain trade secrets, commercial or financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: March 7, 1974.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.74-6079 Filed 3-14-74;8:45 am]

Office of the Secretary

PUBLIC HEALTH SERVICE

Searching for Records; Fee Schedule

Notice is hereby given of the following fee schedule for reproduction, certification, forwarding, and searching for records maintained by the agencies of the Public Health Service, with the exception of the Food and Drug Administration whose proposed fee schedule is found at 37 FR 9128, section 4.20 (May 5, 1972). Comments from the public are not being requested at this time because of the recent publication of an identical fee schedule for the Office of the Secretary on which comments were received.

It is the policy of the health agencies of the Department of Health, Education, and Welfare to provide routine information to the general public without charge. Special information services involving more than routine investigation and allocation of staff time are subject to fees in such amounts as to recover costs to the Government of providing such services. Charges will therefore be made for the following special services:

1. Search for records—$3 per hour; provided however that no charges will be made for the first one-half hour.

2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photocopying, e.g., punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

3. Certification or authentication of records—$3 per certification or authentication.

4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Dated: March 7, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.74-6028 Filed 3-14-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice and Order for Further Prehearing Conference

In the matter of Carolina Power & Light Company (Brunswick Steam Electric Plant, Units 1 and 2)

Please take notice that a further prehearing conference in the above-captioned proceeding will be held at 10 a.m. on Friday, March 22, 1974, in the United States Tax Court, Courtroom No. 1, Room 2132, 1111 Constitution Avenue, NW, Washington, D.C. 20044.

All members of the public are entitled to attend this prehearing conference, which will be conducted, pursuant to 10 CFR 2.751a, as a continuation of the initial prehearing conference held in this proceeding on July 19, 1973. This continuation of the July 19, 1973, prehearing conference will be for the purpose of further considering identification of key issues in this proceeding, the steps necessary for such identification, and the establishment of a firm schedule for subsequent actions to be taken. The Atomic Safety and Licensing Board (Board), at the March 22, 1974, prehearing conference, will not receive evidence, nor allow statements by members of the public who desire to make limited appearances in this proceeding. The Board will allow such statements to be made on the initial day of the commencement of evidentiary hearings.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Atomic Energy Commission, that a prehearing conference shall convene at 10:00 a.m. on March 22, 1974, in the United States Tax Court, Courtroom No. 1, Room 2132, 1111 Constitution Avenue, NW, Washington, D.C. 20044.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

MARCH 12, 1974.

[FR Doc.74-6061 Filed 3-14-74;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Order Convening Hearing

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, the Cleveland Electric Illuminating Company, the Todelo Edison Company, (Beaver Valley Power Station, Unit 2).

The Regulatory Staff has advised the Atomic Safety and Licensing Board that preparations have been completed for presentation of evidence in reference to radiological safety issues pertinent in this proceeding. At an evidentiary session in this proceeding held on February 5, 1974, consideration was given to the date of March 25, 1974 for the resumption of this evidentiary hearing. The participants in the radiological phase of the proceeding are the Commonwealth of Pennsylvania, the Applicant and the Regulatory Staff, all of whom have consented that this hearing need not be convened in Pittsburgh.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary session of hearings in reference to radiological safety considerations in this proceeding shall convene in the Auditorium of the Atomic Energy Commission, Germantown, Maryland at 9:30 a.m. on Monday, March 25, 1974.

Issued: March 11, 1974, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.74-5981 Filed 3-14-74;8:45 am]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Amendment to Construction Permit

Notice is hereby given that pursuant to an Initial Decision dated March 1, 1974 by the Atomic Safety and Licensing Board, the Atomic Energy Commission has issued Amendment No. 1 to Construc-

tion Permit No. CPPR–74 issued to the Florida Power and Light Company for construction of the St. Lucie Plant, Unit 1, located in St. Lucie County, Florida. The Board's Initial Decision authorizes the addition of certain conditions to the construction permit for the protection of the environment. These conditions are the same as those recommended by the Regulatory Staff in its Final Environmental Statement for this facility.

The Director of Regulation has found that the provisions of this amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Initial Decision dated March 1, 1974, Amendment No. 1 to Construction Permit No. CPPR–74, the Regulatory Staff's Final Environmental Statement, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. Single copies of the Initial Decision and Amendment No. 1 to CPPR–74 may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 11th day of March 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 1–3, Directorate of Licensing.

[FR Doc.74–5982 Filed 3–14–74;8:45 am]

CIVIL AERONAUTICS BOARD

ADVISORY COMMITTEE FOR STATISTICAL RESEARCH TO THE CIVIL AERONAUTICS BOARD, AMERICAN STATISTICAL ASSOCIATION

Meeting

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a meeting of this Committee with Staff of the Civil Aeronautics Board is assigned to be held on April 8, 1974, at 9:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. The meeting is open to the public.

Dated at Washington, D.C., March 12, 1974.

[SEAL] W. FLETCHER LUTZ,
Director, Bureau of Accounts and Statistics.

[FR Doc.74–6071 Filed 3–14–74;8:45 am]

[Docket No. 23542, etc.]

ATC BYLAWS INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 9, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–6070 Filed 3–14–74;8:45 am]

[Docket No. 23333; Order 74–3–54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Reduced Fare Agreement

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C. on the 12th day of March, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement, intended for January 1, 1974 effectiveness, would revise the basis upon which reduced-fare tickets for United States-based cargo agents are allocated. In essence, the effect is to replace the present allocation of a fixed number of tickets for each agency registered in a particular country, and which establishes in addition thereto an incentive program geared to productivity.

The presently effective resolution permits each IATA-approved agency location a total of two tickets at a 75 percent reduction from the applicable fare. Under the new proposal, each agency registered in a specific country would be entitled to two tickets per carrier at 75 percent discount from the applicable fare and 20 tickets per carrier at 50 percent discount from normal first- and economy-class fares, irrespective of the number of locations it has. Additionally, a productivity feature would allot two additional tickets to a maximum of 40 per year at 75 percent discount from the applicable fare for each 100 percent (or fraction thereof) by which an agent's total commissionable internatioinal sales exceed the annual average for the country of registration.

The proposal would also alter the manner in which the tickets may be used. The present resolution requires a charge against an agency's allotment of only one ticket notwithstanding that travel may be over the lines of more than one carrier. Under the proposed system, a charge would be made against an agent's total allotment by each carrier participating in such interline transportation, except in the case of tickets issued under the productivity aspect of the program.

By Order 73–12–69 of December 18, 1973 the Board established dates for receipt of carrier justification and comments from interested parties.[1] Specifically, the Board requested data with respect to the proposed system as it would relate to the actual business needs of the agent. Comments and/or justification have been received and the matter now stands ready for the Board's decision.

In general, the carrier submissions[2] set forth little substantive data which would demonstrate that the proposed method of allocation and the number of tickets involved are reasonably related to the actual needs of each agent. Pan American and SAS express support on the basis that U.S.-based cargo agents would achieve parity with agents operating in other world areas, and maintain that without such parity U.S. cargo agents would be handicapped in marketing international air cargo transportation.

The U.S. carriers indicate that they issued a total of 506 reduced-fare tickets in 1973, and those foreign carriers responding indicate they issued a total of 92. Estimates of reduced-fare tickets that would have been issued by each U.S. carrier in 1973 had the proposed system of allocation been in effect range from "no estimate" to 11,352, although the carrier estimating the latter believes no more than 30 percent of that number would actually be used. Foreign carrier estimates range from "no estimate" to 1,278.

Comments have been received from the Air Freight Forwarders Association (AFFA), the International Airfreight Agents Association (IAAA) and Seaboard World Airlines, Inc. (Seaboard).[3]

AFFA[4] states that the instant proposal is unworkable, inadequate, and discriminatory against U.S. forwarders/agents. The large number of reduced-fare tickets that would be available, which are predicated on the mere existence of an approved agency in the U.S., in comparison with the minimal number granted for productivity allegedly makes a mockery of repeated Board direction that some equitable productivity feature be devised.

[1] Pan American requested and was granted extension of time for filing justification and supporting data from January 3 to January 18, 1974. The time for filing comments was extended to February 1, 1974.

[2] American Airlines, Inc. (American); Braniff International Corp., (Braniff); Continental Air Lines, Inc. (Continental); Delta Air Lines, Inc. (Delta); National Airlines, Inc. (National); Northwest Orient Airlines, Inc. (Northwest); Pan American World Airways, Inc. (Pan American); and Trans World Airlines, Inc. (TWA). Three foreign carriers: British Overseas Airways Corp. (BOAC), Scandinavian Airlines System (SAS) and Swiss Air Transport Company, Limited (Swissair), also filed data and/or comments.

[3] The Seven Santini Brothers International, Inc. have filed a letter in favor of the agreement, except for the productivity feature which they believe should be deferred several years so that smaller agents would have opportunity to travel and increase their sales volume.

[4] AFFA incorporates, to the extent relevant, all objections filed April 27, 1973 with respect to an earlier proposal disposed of by Order 73–7–28 of July 10, 1973.

IAAA [5] emphatically supports the proposed agreement, asserting that it will place the U.S. agent in a fair competitive posture with his foreign counterparts. IAAA contrasts the number and geographical usage of tickets available to the foreign agent with the present situation of the U.S. agent, and alleges that abuses of the reduced-fare privilege have been effectively foreclosed by the requirement that an agent must certify his eligibility. Thus, IAAA maintains Board approval will not result in a large number of trips unrelated to business, and that the program is consistent with the national policy of increasing exports and improving the U.S. payments balance. To support its contention that presently allowable reduced-fare travel is needed and used in the conduct of normal business, IAAA submits summary results of a questionnaire circulated to its members.[6] IAAA contends that this summary demonstrates a clear need for more tickets than presently available.

Seaboard does not oppose approval of the agreement provided the Board grants its exemption application to carry its cargo agents in the upper deck compartment of B–747F aircraft under similar conditions and fares.[7] Should this exemption not be granted, Seaboard would object to approval, contending that it would be placed at a competitive disadvantage since its agents are not eligible for reduced-fare travel on IATA carriers. The productivity feature would allegedly provide a strong incentive to its agents, who are often also IATA agents, to divert cargo from Seaboard onto IATA carriers.

After full consideration of the agreement, the carriers' support thereof, and third-party comments, the Board has concluded that approval is not warranted. We reiterate our view that a continuing program of reduced-fare travel is desirable in the interest of developing international air cargo. However, we are not persuaded that the proposed program is consistent with our oft-stated policy that any such regime be closely related to the actual, legitimate business requirements of each agent. Clearly, a system which would bestow an initial grant of up to 1040 reduced-fare tickets,[8] exclusive of the productivity feature, to each and every registered agency bears little relationship to any particular agency's actual requirements, as may be reflected in the number of its active employees, the number of its separate locations, or the scope of its operations generally. Under this agreement, an agency with one eligible employee, operating from one location would receive as many tickets as an agency with many eligible employees and locations. It can only be presumed that the latter would have a significantly greater travel requirement. We recognize that the productivity feature of the agreement, which is based upon commissionable sales, is intended to relate reduced-fare travel to the actual requirements of the cargo agent. However, we believe it unrealistic to expect such a result in light of the large number of reduced-fare tickets available before this aspect of the total program would come into play.

We recognize that reduced-fare transportation for foreign-based IATA cargo agents may involve a greater number of tickets than are available to U.S. agents. However, these agents operate under different laws which properly make their activities more the concern of their respective governments and, in any event, enforcement of another scheme would raise obvious difficulties. In essence, we continue to be of the opinion that a program which takes as its base the number of locations operated by an agency offers the preferable course toward the objective of an equitable system geared to legitimate business needs.[9] The Board notes with some concern the failure of IATA to give adequate consideration to a U.S.-carrier-sponsored program for reduced-fare tickets related to agency locations at the most recent Cargo Agency Committee Meeting. The Board expects this matter to be reviewed again promptly.

The Board, acting pursuant to sections 102, 204(a), 404(b), and 412 of the Act, finds that the following resolution, incorporated in Agreement C.A.B. 24098, is adverse to the public interest and in violation of the Act:

100(Mail 933)203c
200(Mail 191)203c
300(Mail 416)203c
JT12(Mail 822)203c
JT23(Mail 322)203c
JT31(Mail 245)203c
JT123(Mail 713)203c

Accordingly, *it is ordered*, That:

Agreement C.A.B. 24098 be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6069 Filed 3–14–74;8:45 am]

[5] IAAA likewise incorporates by reference its comments in its April 18, 1973 submission to the Board concerning a proposal disposed of by Order 73–7–28 of July 10, 1973.

[6] "The Composite result demonstrates the clear-cut need for substantially more tickets than were issued. Thus, the 169 members actually used 461 of the 528 tickets issued, but they also paid for 480 tickets over and above the 528 alloted to them. Further, they received an additional 224 tickets attributable Inaugural and other flights not covered by the Resolution. In sum, although only 461 tickets were issued the agents used 1191—over two and one-half (2½) times as many. Perhaps even more telling, in response to being asked how many additional reduced-fare tickets would you have used if available, the aggregate reply was for 828 tickets."

[7] Seaboard's application will be dealt with by separate order.

[8] Based on the twenty North Atlantic IATA member carriers alone.

[9] The data presented by IATA leaves unclear whether the trips represented by purchase or use of additional inaugural flight tickets were in fact justifiable under the terms of the present resolution governing reduced-fare transportation for cargo agents.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

PROPOSED NATIONAL DIVISION OF THE U.S. COURT OF APPEALS

Notice of Hearing

MARCH 11, 1974.

The Commission on Revision of the Federal Court Appellate System will hold hearings on proposals to create a National Division of the United States Court of Appeals, 9:30 a.m., Monday, April 1 and 9:30 a.m., Tuesday, April 2, Room 2247, Rayburn House Office Building.

Among the witnesses scheduled to appear are: Mr. Justice Arthur Goldberg; Chesterfield Smith, President of the American Bar Association; Chief Judge Clement Haynsworth; Judge Henry J. Friendly; Judge Floyd R. Gibson; Judge Shirley Hufstedler; Justice Samuel J. Roberts of the Pennsylvania Supreme Court; Erwin Griswold, former Solicitor General of the United States; Dean Bernard Wolfman; Professors Paul A. Freund, Philip B. Kurland, Maurice Rosenberg, Paul D. Carrington; and Messrs. C. Frank Reifsnyder, Lipman Redman, Robert J. Kutak, John B. Jones and Eugene Gressman.

A. LEO LEVIN,
Executive Director.

[FR Doc.74–6060 Filed 3–14–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from March 4 through March 8, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is through April 29, 1974.

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

AGRICULTURAL RESEARCH SERVICE

Draft

Sewage Treatment, Agricultural Research Center, Prince Georges County, Md., March 6: The statement refers to the proposed provision of tertiary treatment for two existing sewage disposal plants at the Beltsville Agricultural Research Center, by the use of the land treatment approach of tertiary lagoons and spray irrigation. The overall effect of the action is to be the provision of adequate tertiary sewage treatment in order to eliminate sources of pollution for Beaver Dam

Creek and Little Paint Branch (172 pages). (ELR Order No. 40356.)

FOREST SERVICE

Draft

Big Tepee Creek Timber Sale, Gallatin National Forest, Gallatin County, Mont., March 4: Proposed is a 5.69 million board foot timber sale in the Big Tepee Creek Drainage, Gallatin National Forest. The sale will consist of three clear cut units and 8 overstory units. Most of the sale will be in an area that was inventoried as roadless in November, 1970. The sale will provide a transportation system for the drainage. Impacts will be to soil, water quality, and aesthetic values (33 pages). (ELR Order No. 40327.)

Spotted Bear Unit, Flathead National Forest, Flathead County, Mont., March 4: Proposed is the implementation of a revised multiple use plan for the 142,824 acre Spotted Bear Planning Unit of the Flathead National Forest. The plan will include wildlife habitat enhancement, logging activities, and road construction. Adverse impact will include the effects of road construction on elk migration and other wildlife habitat (73 pages). (ELR Order No. 40349.)

Absaroka, Beartooth, and Cutoff Mountain Wilderness, several counties, Montana, March 5: The statement refers to a proposal that 516,815 acres of National Forest lands within the Custer and Gallatin National Forests be added to the National Wilderness Preservation System. Included would be 225,490 acres of the 230,000-acre Beartooth Primitive Area, 60,192 acres of the 64,000-acre Absaroka Primitive Area, and 231,133 acres of contiguous land. Impacts of the action include ecological, social, and economic considerations. (ELR Order No. 40353.)

Final

Sipsey River, William B. Bankhead National Forest, Lawrence and Winston Counties, Ala., March 4: The statement refers to the proposed legislative designation of the Sipsey River Eastern Wilderness. The area will consist of 9,360 acres of the William B. Bankhead National Forest. With the ceasing of management practices there will be changes in wildlife habitat. There will be reductions in consumptive use of timber, wildlife, and minerals found in the area (24 pages). (ELR Order No. 40332.)

Proposed Caney Creek Eastern Wilderness, Polk County, Ark., March 4: Proposed is the legislative designation of 10,236 acres of land of the Caney Creek and Short Creek Watersheds, Ouachita National Forest, as wilderness. Primary use of the lands would be that of primitive recreation. The action would result in a loss of 1,666 MBF of pine and 570 MBF of hardwood sawtimber annually (26 pages). (ELR Order No. 40331.)

Proposed Cohutta Eastern Wilderness, Georgia and Tennessee, March 4: Proposed is the legislative creation of Cohutta Eastern Wilderness, as part of the National Wilderness Preservation System. The area will include 1,660 acres of the Cherokee National Forest and 32,840 acres of the Chattahoochee National Forest. The action would result in the elimination of both scientific forest management and scientific wildlife management (46 pages). (ELR Order No. 40333.)

Daniel Boone National Forest, McCreary County, Ky., March 4: Proposed is the legislative designation of 5,000 acres of the Daniel Boone National Forest as a unit of the Eastern Wilderness. Adverse effects will result from prohibition of timber management, and indirect impact from increased visitation (17 pages). (ELR Order No. 40335.)

Big Island Lakes Wilderness, Hiawatha National Forest, School craft County, Mich., March 4: Proposed is the legislative designation of the 6,606 acre Big Island Lakes unit of the Hiawatha National Forest as an Eastern Wilderness Area. The action will result in some limitation of recreation activities (34 pages). (ELR Order No. 40330.)

Irish Wilderness Area, Mark Twain National Forest, Oregon County, Mo., March 4: Proposed is the legislative designation of the 17,482 acre Irish Wilderness Area of the Mark Twain National Forest as a National Forest Eastern Wilderness Area. Such designation will preclude the harvesting of timber, the construction of roads, and the use of motorized vehicles. An increase in the number of visitors is anticipated (18 pages). (ELR Order No. 40336.)

Herclues Wilderness, Mark Twain National Forest, Taney County, Mo., March 4: Proposed is the legislative designation of 12,856 acres of the Hercules Area of Mark Twain National Forest as a part of the National Forest Eastern Wilderness System. Wilderness designation will preclude grazing, timber cutting, road construction, and the use of motorized vehicles (21 pages). (ELR Order No. 40339.)

Ellicott Rock Wilderness, South Carolina, North Carolina, and Georgia, March 4: The proposal is for the legislative designation of 3,584 acres as the Ellicott Rock Eastern Wilderness. National Forests involved are Sumter, in South Carolina, Nantahala, in North Carolina, and Chattahoochee, in Georgia. There may be increased use of the area (11 pages). (ELR Order No. 40338.)

Gee Creek Eastern Wilderness, Cherokee National Forest, Polk County, Tenn., March 4: Proposed is the designation of 1,069 acres of the Cherokee National Forest in Polk County, Tennessee as the Gee Creek Eastern Wilderness, a unit of the Eastern Wilderness Preservation System. Increased recreation will probably result in sanitary and littering problem (27 pages). (ELR Order No. 40334.)

Bristol Cliffs, Green Mountain National Forest, Addison County, Vt., March 4: The proposed action is the legislative establishment of 6,000 acres of the Forest as a unit of the National Forest Eastern Wilderness System. Among adverse impacts of the action will be reduction of some recreation opportunities; prohibition of public motorized access; and possible attraction of more people (34 pages). (ELR Order No. 40329.)

Lye Brook Area, Green Mountain National Forest, Bennington County, Vt., March 4: Proposed is the legislative designation of the 11,600 acre Lye Brook Area of the Green Mountain National Forest as a unit of the National Forest Eastern Wilderness System. Adverse impacts would include reduction of renewable resource goods and recreation opportunities; prohibition of public motorized access; and attraction of increased numbers of visitors (28 pages). (ELR Order No. 40351.)

Cave Mountain Lake Unit, Jefferson National Forest, Bedford, Rotetourt, and Rockbridge Counties, Va., March 4: The statement refers to a proposed management program for the 24,800 acre Cave Mountain Lake Unit, Glenwood Ranger District, Jefferson National Forest. The plan includes a recommendation that 8,800 acres be classified as the James River Face Wilderness in order to preserve its primitive character, and that 16,000 acres be managed for multiple benefits. Adverse impacts will include those resulting from timber cutting and road construction, as well as those resulting from restrictions upon possible uses (51 pages). (ELR Order No. 40337.)

Proposed Laurel Fork Eastern Wilderness, Virginia and West Virginia, March 5: Proposed is the legislative designation of 7,715 acres of the George Washington National Forest and 595 acres of the Monongahela National Forest as wilderness within the National Wilderness Preservation System. Adverse impact would result from the prohibition of timber management; the loss of some game habitat; and loss to the economy from the termination of logging (33 pages). (ELR Order No. 40343.)

Dolly Sods, Monongahela National Forest, Tucker and Randolph Counties, W. Va., March 4: Proposed is the legislative establishment of 10,200 acres of the Dolly Sods area of the Forest as a unit of the National Forest Eastern Wilderness System. Wilderness designation will preclude the construction of roads, the harvesting of timber, and the grazing of domestic animals. It is anticipated that the number of visitors will increase (17 pages). (ELR Order No. 40340.)

Rainbow Lake, Chequamegon National Forest, Bayfield County, Wis., March 4: The proposed action is the legislative designation of the 6,853 acre Rainbow Lake area of the Chequamegon National Forest as a unit of the National Preservation System. Adverse impacts will include the reduction of renewable resource goods and of recreation opportunities; the lack of public motorized access; and attraction of additional visitors, a result which may deteriorate the primitive recreation experience (21 pages). (ELR Order No. 40342.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Yampa Project, Generating Station, several counties, Colorado, March 6: Proposed is the granting of insured and guaranteed loan funds from the REA in order to partially finance a new generating station near Craig. The project will include two new 380 MW coal fuel units, a supplemental water supply from an addition to the Elkhead Creek Reservoir, 11 miles of railroad spur line, and substantial sections of transmission connectors. Coal for the plant will be mined at a nearby open-pit mine; about 6,000 acres will be strip-mined during the life of the plant (two volumes). (ELR Order No. 40357.)

FOREST SERVICE

Draft

Swan Creek, Gallatin National Forest, Gallatin County, Mont. March 4: Proposed is a 1.5 million board foot timber sale in the Swan Creek drainage of the Gallatin National Forest. The sale will consist of six small clear cut areas, one overstory removal unit, and two right-of-way clearing units. Road construction for the sale will result in better public access. Adverse impact will be to soil, water quality, and wildlife. (ELR Order No. 40326.)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Liquid Metal Fast Breeder Reactor, March 8: The statement refers to AEC's administrative action to continue the program to develop Liquid Metal Fast Breeder Reactor (LMFBR) technology. Consideration is given to all aspects of the environmental effects of the LMFBR program, including the postulated nuclear breeder power reactor industry. The LMFBR is expected to have a higher thermal efficiency and lower radiological releases than the current light water plants. The environmental effects of the LMFBR fuel cycle, including fuel fabrication and reprocessing, waste management and transportation, are not expected to differ significantly from light water plants that have a similar uranium-plutonium fuel cycle (four volumes). (ELR Order No. 40371.)

Final

Exxon Uranium Dioxide Fuel Plant, Richland County, Wash., March 7: Proposed is the issuance of a full-term Special Nuclear Material License to EXXON Nuclear for the operation of a uranium dioxide fuel element fabricating plant in Richland. Liquid process wastes are impounded in a sealed storage lagoon (134 pages). Comments made by: USDA, DOC, DOD, HEW, HUD, DOI, DOT, EPA, and local agency. (ELR Order No. 40359.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

MARITIME ADMINISTRATION

Draft

Bulk Chemical Carrier Construction Program, March 7: The statement refers to a proposed program, authorized by the Merchant Marine Act of 1970, for the subsidized construction of bulk chemical carriers for operation in U.S. foreign trade. Environmental effects of the program would result from the construction, operation, maintenance, and repair of the ships involved; and from the construction and operation of harbor and port facilities required to accommodate these ships. The environment effected by the program therefore includes landward areas, coastal ocean areas, the open ocean, and inland water-ways and lakes (418 pages). (ELR Order No. 40366.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Sacramento River, Bank Protection Project, California, March 5: The statement refers to the proposed installation of bank protection at intermittent sites along the Sacramento River from Chico Landing to Red Bluff. Adverse impacts include loss of aesthetics, wildlife, and other natural riparian values of the river (Sacramento District) (42 pages) (ELR Order No. 40351).

Rock Removal, Weymouth-Fore and Town Rivers. Mass., March 4: The statement refers to a navigation project to remove shoals in the Weymouth-Fore and Town River channels, A turning basin and an anchorage are also provided for. The material in the rivers is classified as ledged rock and requires blasting operations for its removal. The dumpsite to be used is the "Foul Area" designated for polluted materials. Blasting could have an impact on biota and the residences within the immediate project area (Waltham District) (86 pages) (ELR Order No. 40345).

Locks and Dam No. 26 (Replacement), Mississippi River, Mo., and Ill., March 7: The statement refers to the proposed replacement of the existing Locks and Dam No. 26 with new locks and dam at river mile 200.78 on the Mississippi River. The replacement project will consist of a non-navigable gated dam and two medium lift, separated parallel locks. Associated works include an overflow dike and spur dike. Adverse impacts include increased inundation of commercial deposits of sand and gravel, alteration of surface drainage patterns, and the creation of isolated marshy areas and decreased crop yields on lowlands behind the spur dike. Also, 600 acres of terrestrial bottomland habitat and a private recreational development will be inundated (St. Louis District) (ELR Order No. 40363.)

Cooper River Rediversion Project, South Carolina, March 4: The statement refers to the construction of a channel to redivert water from the Cooper River to the Santee River Basin to relieve shoaling problems in Charleston Harbor. The project will also include construction of a hydropower plant, fish hatchery, and fish lift. Adverse impacts include decreased biological productivity in Cooper River, land requirements for the diversion canal and disposal site, potential destruction of archeological sites, and turbidity and sedimentation during construction (63 pages). (ELR Order No. 40328.)

Hunting Island Beach, Beaufort County, S.C., March 4: The statement refers to the proposed renournishment of Hunting Island Beach. The project involves the renourishment of the 10,000-foot feeder beach to help stabilize the shore with material taken from the mouth of Fripp Inlet. Adverse impacts include a temporary reduction of recreational activity, mechanical disturbance and smothering of the benthic community along the beach and in the borrow area, and a temporary increase in water turbidity (Charleston District) (12 pages). (ELR Order No. 40350.)

Final

Astoria Unit 6, New York, March 7: The statement refers to the proposed issuance of a discharge permit (pursuant to section 13 of the River and Harbor Act of 1899) to the Consolidated Edison Co. of New York, for its No. 6 generating unit. The oil and gas fired steam-electric generating unit will have a capacity of 800 MW. Adverse impacts will be associated with the effects of discharged heated cooling water upon the biological productivity of the East River. Comments made by: USDA, DOC, DOI, DOT, EPA, FPC, and state and local agencies. (ELR Order No. 40364.)

Aubrey Lake, Elm Fork, Trinity River, Denton, Cooke, and Grayson Counties, Tex., March 4: The proposed project is the construction of Aubrey Lake for water supply, flood control, recreation and fish and wildlife. A total of 43,500 acres of land, 71 acres of stream and 43 miles of stream will be inundated. The project will displace 280 residences, one cemetery and inundate 26 prehistoric and historic sites. Adverse impact stemming from the project are: loss of agricultural and timber land, loss of aquatic and wildlife resources (extensive damage will occur upon amphibians, reptiles, mammals, and upland wild and game birds) (460 pages). Comments made by: EPA, USDA, DOC, HEW, DOI, DOT, and state and local agencies. (ELR Order No. 40347.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Final

Davis Pumped Storage Project No. 2709, Tucker and Grant Counties, W. Va., March 4: The statement refers to an application by the Monongahela Power Co., the Potomac Edison Co., and the West Penn Power Co. for the construction, operation, and maintenance of the project, to be located on the Blackwater River and Red Creek. The project will consist of a 600 acre upper reservoir, a 7,000 acre lower reservoir, a powerhouse with four 50MW units, 12 miles of 500-kV transmission line, and recreation facilities. The project will result in the inundation of 7,600 acres, eliminating wildlife habitat and livestock grazing land, as well as a section of a free flowing river and its sport fishery. Comments made by: USDA, COE, DOI, USCG, EPA and state and local agencies. (ELR Order No. 40344.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Final

Federal Office Building, Manchester, Hillsborough County, N.H., March 4: The statement refers to the proposed construction of a new Federal office building in Manchester. The building will be located in the city sponsored Civic Center Urban Renewal Project, and will have a gross area of 175,000 sq. ft. The building will also serve as an "Energy Conservation Demonstration Project." The building is expected to have a considerable impact upon the design practices of engineers and architects (112 pages). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, and state and local agencies. (ELR Order No. 40346.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–5980.

Draft

Parkway Plaza Neighborhood Development, California: Proposed is the making of a HUD loan and grant to the Napa Community Redevelopment Agency for the carrying out of its fourth action year project activities, which include renewal of three blocks which are adjacent to the current nine block urban renewal area. The proposed land use of the three block area would be commercial and public parking, in support of conversion of the larger area into a modern commercial district. Impacts of the action will include the displacement of twenty-two individuals, four families, and twenty-six businesses (117 pages).

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Proposed Noxubee Wilderness Area, Oktibbeha County, Miss., March 4: Proposed is the legislative designation of 1,200 acres of the Noxubee National Wildlife Refuge as wilderness within the National Wilderness Preservation System. The option to develop and intensively manage for maximum wildlife production would be foregone (52 pages). (ELR Order No. 40348.)

GEOLOGICAL SURVEY

Final

Big Sky Mine, Peabody Coal Company, Rosebud County, Mont., March 7: Proposed is the approval of a strip mining and reclamation plan for the Big Sky Mine, Peabody Coal Lease M–15965. The plan proposes extension of the existing mine in privately owned sec. 27 into federally owned coal in sec. 22, as the initital step in long-term mining that will encompass much of the 4306.55 acre lease. Coal ownership is vested in the Federal Government and Burlington Northern, Inc., each owning alternate sections; the land surface is privately owned. Impact will be to agricultural uses, water quality and quantity, wildlife habitat, and two archeological sites. Scenic views and open space qualities will be degraded and restricted until revegetation is complete. Comments made by: EPA, DOI, COE, FPC, state and local agencies

and concerned citizens. (ELR Order No. 40365.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth, Director of Current Planning and Programming, Washington, D.C. 20576, 202–382–1471.

Draft

Downtown Urban Renewal Area, District of Columbia, March 8: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the Downtown Urban Renewal Area. Included are: the designation of 1.91 acres along 7th Street in Squares 425 and 426 for acquisition and clearance, and future use for Federal City College; the designation of 5.3 acres in Square 515 for acquisition, clearance, and residential and commercial redevelopment; and the designation of 2.60 acres in Square 449 for acquisition, clearance, and anticipated future residential development. (ELR Order No. 40368.)

Shaw School Urban Renewal Area, District of Columbia, March 8: The statement refers to the adopted and approved actions for the First, Second, and Third Action Years of the D.C. Neighborhood Development Program for the Shaw School Urban Renewal Area. Included are: the designation of 35.49 acres for acquisition, clearance, and residential redevelopment; the designation of 7.44 acres for acquisition, clearance, and public institutional and open space redevelopment; the designation of 4.45 acres for acquisition, clearance, and commercial redevelopment; the designation of 27.7 acres containing 739 buildings for rehabilitation; and the designation of 4.85 acres for clearance only. (ELR Order No. 40369.) (NTIS Order No. (none).)

H Street Urban Renewal Area, District of Columbia, March 8: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the H Street Urban Renewal Area. Included are: the designation of 1,326 acres for acquisition, clearance, and redevelopment; the designation of 1.95 acres for acquisition, clearance and development for the expansion of existing school facilities; and the designation of 12.54 acres containing 334 buildings in the H Street Urban Renewal Plan. (ELR Order No. 40370.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Thomas C. Russell Field, Alexander City, Tallapoosa County, Ala., March 4: The statement refers to a master planning study of Thomas C. Russell Field in Alexander City. The study calls for three stage development of the airport with completion in 1992. Stage I (1972–1977) consists of extension of a runway, construction of a partial parallel taxiway, extension of the lighting system, installation of a lighted wind cone, segmented arcle, rotating beacon and visual approach slope indicator. Adverse impact will be an increase in the levels of air and noise pollution (39 pages). (ELR Order No. 40322.)

Washington County Airport, Washington County, Ga., March 4: The statement refers to the development of a Basic Transport Airport serving the cities of Sandersville and Tennville and Washington County. The plan involves the acquisition of land, the extension of a runway, construction of a parallel taxiway and turnarounds, and the installation of new lighting systems. Adverse impacts are the clearing of 39 acres, increased air and noise pollution, short term impacts associated with construction (31 pages). (ELR Order No. 40323.)

Manistee County-Blacker Airport, Manistee County, Mich., March 4: The statement refers to the improvement of the Manistee County-Blacker Airport in the city of Manistee. The project involves land acquisition, construction of a combination firecrash maintenance and electrical vault building, installation of lights and markings on one runway, the abandonment of another runway, extension of an apron, and the construction of a taxiway. Adverse impact are the removal of vegetation and topping of trees on part of the 21 acres of aviation easement, and increased levels in the levels of air and noise pollution (45 pages). (ELR Order No. 40324.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 67, Bald Knob to Newport, White and Jackson County, Ark., March 6: The statement refers to the proposed construction of U.S. 67 on new location from Bald Knob to Newport. The proposed four-lane freeway is to be 28 miles long. Adverse impacts of the project will be increased air and noise pollution. The number of displacements cannot be given until a definite location is chosen (20 pages). (ELR Order No. 40358.)

U.S. 259, Daingerfield to Lone Star, Morris County, Tex., March 4: The statement refers to the proposed upgrading of U.S. 259 to a four lane facility. The project will run from Daingerfield South to F.M. Road 250 in Lone Star. Adverse impacts include the conversion of 52 acres of land into additional right-of-way, and the displacement of 12 families and six businesses (25 pages). (ELR Order No. 40325.)

Final

State Road 10A, Florida, Columbia County, Fla., March 6: Proposed is the upgrading of State Road 10A (Park Street and Baya Avenue) in Lake City, from a two lane facility to a four lane facility. Project length is 3.7 miles. Adverse effects of the action are increased noise levels; displacement of families and businesses; loss of street frontage for adjacent businesses due to right-of-way acquisition; and temporary reduction in water quality in adjacent lakes during construction (80 pages). Comments made by: EPA, DOI, HUD, HEW and state agencies. (ELR Order No. 40355.)

U.S. Highway 30, Nebraska, Dawson County, Nebr., March 6: The project involves the reconstruction of 1.84 miles of U.S. 30 through the City of Lexington. The reconstruction involves substituting a storm sewer for existing open drainage ditches; constructing a 4-lane divided and undivided roadway section in place of the 2-lane rural roadway section; and providing a sidewalk, lighting and signalization. Two properties will be severed to acquire additional right-of-way. Water and air pollution will occur during construction; the ambient noise level will increase (38 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA, and state agencies. (ELR Order No. 40354.)

U.S. 77, South Dakota, Minnehaha County, S. Dak., March 7: The proposed project is the construction of 1.5 miles of U.S. 77, in Sioux Falls, South Dakota. The amount of land to be acquired is unspecified; displacements will number 8 homes and 2 businesses. Two historical sites will be relocated (34 pages). Comments made by: EPA, DOT, and state agencies. (ELR Order No. 40362.)

Highway Loop 500, Texas, Shelby County, Tex., March 7: The statement refers to the proposed construction of a two lane rural highway, Loop 500, to bypass the City of Center. The project will extend from SH 7 SW of Center to SH 7 north of Center, a distance of 5.238 miles. Approximately 153 acres will be committed to right of way; twenty-four residences, one business and five farms will be displaced (71 pages). Comments made by: DOT, HEW, HUD, COE, USDA, DOI, EPA, and state agencies. (ELR Order No. 40361.)

S.T.H. 81, Wisconsin, Grant and Lafayette Counties, Wis., March 7: Proposed is the reconstruction of S.T.H. 81 from its intersection with S.T.H. 80 in Grant County to 1.8 miles east of Seymour Corners in Lafayette County. Project length is 10.8 miles (exempted from the improvement is 0.7 miles constructed in 1967). Approximately 90 acres of agricultural land will be committed to the action. Adverse effects include possible siltation to streams with resultant effect on fish and wildlife and increased air and noise pollution for vehicular traffic (35 pages). Comments made by: DOI, EPA, USDA, and state agencies. (ELR Order No. 40360.)

U.S. COAST GUARD

Draft

Puget Sound Vessel Traffic System, several counties, Washington, March 5: Proposed is the addition of radar to the Puget Sound Vessel Traffic System. The addition would result in basic radar surveillance of critical areas of the Sound, with a resulting reduction in expected vessel casualties and consequent reduction in risk of oil spills. The primary impact would be the aesthetic effects of ninety foot towers on each of three sites (Bush Point, Whidbey Island; Point No Point, Kitsap Peninsula; and Point Wilson, Quimper Peninsula). A possible secondary impact, were this system to be followed by radar coverage of the rest of the Sound, could be an attempt to justify development of increased oil refining capacity and/or establishment of a genuine "superport" in the area. (ELR Order No. 40352.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–6045 Filed 3–14–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE STANDARDS

Waiver of Federal Preemption

By FEDERAL REGISTER notice on Friday, January 25, 1974, (39 FR 3310), I announced my intention to grant the State of California a waiver of Federal preemption for 9 gram/mile carbon monoxide applicable to 1975 model year light duty passenger vehicles, unless an appropriate request for a hearing on this matter was received within a thirty day period.

The thirty day period has ended and no request for a hearing has been received. As a consequence, I hereby grant waiver of Federal preemption to permit California to enforce a 9 gram/mile carbon monoxide emission standard applicable to 1975 model year light duty passenger vehicles, for the reasons set forth in the January 25, 1974, notice.

The pertinent standards, requirements, conditions, and test procedures for gasoline-powered 1975 model year light duty vehicles are contained in the following identified publications:

FEDERAL

40 CFR Part 85, Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines (38 FR 17441, July 2, 1973).

CALIFORNIA

Section 1955, Title 13, California Administrative Code, as amended June 26, 1973, and California Exhaust Emission Standards and Test Procedures for 1975 and Subsequent Model Gasoline-Powered Motor Vehicles 6,000 pounds Gross Vehicle Weight or Less, dated June 21, 1973; and California Assembly Line Test Procedures for 1974 Model Light Duty Gasoline-Powered Vehicles, dated June 20, 1973.

Dated: March 11, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-5973 Filed 3-14-74;8:45 am]

[OPP-50001]

PREDATORY CONTROL (COYOTES)

Notice of Issuance of Experimental Use Permit

Correction

In FR Doc. 74-4623 appearing at page 7617 of the issue for Wednesday, February 27, 1974, the following changes should be made:

1. On page 7617 in the second column, second full paragraph, third line, the word "invoked" should read "revoked".

2. On page 7618 in the first column, paragraph B.7. of section III, sixteenth line, the word "Fugicide" should read "Fungicide".

3. On page 7618 in the second column, the fourth paragraph of section V, second line, the word "Mills" should read "Nills".

[OPP-36003]

REGISTRATION OF PESTICIDES

Notice of Denial of Registration

On November 29, 1972, the State of Louisiana Department of Agriculture applied pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), for a restricted-use registration of a pesticide containing 10 percent DDT dust for use on sweet potatoes in storage at the rate of ¾ ounce per 50-pound bushel.

The Administrator's Determination and Order filed June 14, 1972 (effective date December 1972), and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369), canceled the registrations of most pesticides containing DDT and provided further, in part, the "Use of DDT for control of weevils on stored sweet potatoes * * * (are) canceled unless within 30 days users or registrants move to supplement the record" as set forth in the opinion accompanying the order. Louisiana sweet potato growers and shippers moved, in effect, to supplement the record. Intervenors Louisiana Sweet Potato Association, et al., petitioned these proceedings to be allowed to continue the use of DDT on stored sweet potatoes during the 1973-74 marketing year pending the availability of an alternative pesticide.

Since 1969 the following insecticides have been evaluated at various dosage rates and formulations as possible substitutes for DDT: Azinphosmethyl, malathion, methoxychlor, carbaryl (sevin), Gardona, Dyfonate, Pirimiphos—methyl, several numbered compounds, and Imidan. Only Imidan has proved to have the characteristics required for a satisfactory DDT substitute for use in control of the sweet potato weevil on stored sweet potatoes. At the time of intervention by the Louisiana Sweet Potato Association, Imidan was not registered for such use.

Imidan, N-Mercaptomethyl) phthalimide S-(O-O-dimethyl phosphorodithioate), is an organophosphorus insecticide that has been widely used for control of fruit insects and alfalfa pests for several years. It has an established tolerance under the Food, Drug and Cosmetic Act on apples, peaches, and pears of 10 parts per million. It has a relatively low order of toxicity to mammals and is registered as a 5 percent dust for control of hornfly on beef cattle. It has been determined that Imidan is an effective substitute for DDT in controlling the sweet potato weevil on stored sweet potatoes. Based on its performance, relatively low order of toxicity to mammals and other nontarget organisms, lack of accumulation in food chains, relatively short persistence in the environment, and the critical need for a substitute for DDT, a cooperative effort was undertaken to secure the earliest possible registration of Imidan for use in control of the sweet potato weevil on stored sweet potatoes. The necessary data were obtained for a pesticide tolerance for residues of Imidan and its oxygen analog in or on sweet potatoes of 10 parts per million and this pesticide was registered for use on sweet potatoes on March 16, 1973.

Since Imidan is available for the 1973-74 marketing year, the application for registration of DDT 10 percent Dust, Application No. 19751-R, is denied and notice is hereby given of such denial pursuant to section 3(c)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 981).

Dated: March 8, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-5974 Filed 3-14-74;8:45 am]

AMCHEM PRODUCTS, INC.

Extension of Temporary Tolerance

Amchem Products, Inc., Ambler, PA 19002, was granted a temporary tolerance for residues of the plant regulator ethephon (2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity grapes at 10 parts per million on August 30, 1973, in connection with Pesticide Petition No. 3G1341 (notice of which was published in the FEDERAL REGISTER of September 10, 1973 (38 FR 24682)). This temporary tolerance expires August 30, 1974.

The firm has requested a 2-month extension to obtain additional experimental data. It is concluded that this extension of the temporary tolerance of 10 parts per million for residues of ethephon in or on grapes will protect the public health. It is therefore, extended as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc., name.

As extended, this temporary tolerance expires October 31, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: March 12, 1974.

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

[FR Doc.74-6056 Filed 3-14-74;8:45 am]

SANDOZ-WANDER, INC.

Extension of Temporary Tolerances

In connection with Pesticide Petition Nos. 3G1310 and 3G1338, Sandoz-Wander, Inc., Post Office Box 1489, Homestead, FL 33030, was granted temporary tolerances for combined negligible residues of the herbicide 4-chloro-5-(methylamino)-2-(α,α,α-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone and its desmethyl metabolite 4-chloro-5-(amino)-2-(α,α,α-trifluoro-*m*-tolyl-3(2*H*)-pyridazinone in or on the raw agricultural commodities cottonseed (PP 3G1310) and cranberries (PP 3G1338) at 0.1 part per million on May 8, 1973 (notices were published in the FEDERAL REGISTER of May 22, 1973 (38 FR 13500) and May 23, 1973 (38 FR 13598), respectively).

The firm has requested 1-year extensions of the temporary tolerances to obtain additional experimental data. It is concluded that these extensions of the temporary tolerances for combined negligible residues of the herbicide and its desmethyl metabolite in or on cottonseed and cranberries at 0.1 part per million will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permits which are being issued concurrently and which provide for distribution under the Sandoz-Wander, Inc., name.

As extended, these temporary tolerances expire on March 12, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assist-

ant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 12, 1974.

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

[FR Doc.74-6055 Filed 3-14-74;8:45 am]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Certification To Establish

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that establishment of the proposed Lake Michigan Cooling Water Studies Panel is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The purposes of the proposed panel are to establish the scientific basis for regulation of cooling water discharges to Lake Michigan under the 1972 amendments (P.L. 92-500) to the Federal Water Pollution Control Act of 1970, and to advise the Regional Administrator, Region V, and the water pollution control agencies of the four peripheral States (Wisconsin, Illinois, Indiana and Michigan) of problem areas associated with possible thermal effects on the Lake's ecology.

The Lake Michigan Cooling Water Studies Panel Charter will be filed with appropriate standing committees of the Congress thirty days from the date of this notice.

RUSSELL E. TRAIN,
Administrator.

MARCH 12, 1974.

[FR Doc.74-6099 Filed 3-14-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19956, 19957; File Nos. BPH-8104, BPH-8239]

MEDIA PROPERTIES ET AL.

Applications for Construction Permits

In re applications of: Media Properties, Inc., Brownsville, Texas. Requests. 100.3 MHz, #262; 100 kW (H&V); 449 feet, Valleywide Enterprises, Inc. Brownsville, Texas. Requests. 100.3 MHz, #262; 100 kW (H&V); 467.48 feet. 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. Valleywide Enterprises, Inc., will require $110,309 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on equipment	$3,961
Thirteen months' additional payments on equipment, including interest	25,748
Building	1,200
Miscellaneous	1,800
Interest and principal payments on loan	20,000
Working capital requirement	57,600
Total	110,309

To meet this requirement, Valleywide relies upon new capital from A. J. Carnesi and a bank loan. Mr. Carnesi has offered to purchase 5,000 shares of the parent corporation for $25,000. However, his balance sheet dated February 15, 1973, does not show sufficient cash and/or liquid assets in excess of current liabilities to meet a $25,000 commitment. In addition, Valleywide's bank loan for $100,000 fails to state the rate of interest or the collateral requirement as required by section III, page 3, paragraph 4(e) of FCC Form 301. Thus, a financial issue has been specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. 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 the areas and populations that would receive primary service from the respective proposals, and the availability of other primary (1 mV/m or greater in the case of FM) aural services to such areas and populations.

2. To determine whether Valleywide Enterprises, Inc., is financially qualified to construct and operate its proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 5, 1974.

Released: March 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-6065 Filed 3-14-74;8:45 am]

FEDERAL MARITIME COMMISSION

BRAZIL/U.S. ATLANTIC PORTS NORTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Frank R. A. Levier, Executive Administrator
Inter-American Freight Conference
Av. Rio Branco, 156-27°
Andar-Grupos 2707/2711
Rio de Janeiro, Brazil

Agreement No. 10027–3, among Brazilian and U.S. national flag carriers and three non-national flag carriers, modifies the approved basic agreement covering the apportionment of freight revenues derived from the carriage of all cargoes, with certain exceptions, transported by the parties in the northbound trade from Brazilian ports within the Porto Alegre/Recife range, both inclusive, to ports on the Atlantic Coast of the United States by (1) revising and/or adding new subparagraphs in Article 7(c) pertaining to the sequence of steps to be taken in order to determine the pool settlement applicable to a pool period, resulting in, but not limited to, the establishment of two separate accountings, one each for general cargo and for containerized cargo, as well as the aggregate thereof, and the establishment of overcarriage and undercarriage forfeiture provisions, as more fully set forth in the modification; and (2) amending Article 16 to provide for the establishment of a Pool Committee, consisting of a representative of each pool party and a pool accountant, the purpose and duties of which are fully set forth in the modification.

Dated: March 12, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–6080 Filed 3–14–74;8:45 am]

COMPANIA TRANSATLANTICA ESPANOLA, S.A.

Revocation of Certificates

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–36, and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,003.

COMPANIA TRASATLANTICA ESPANOLA, S.A. (SPANISH LINE)
c/o SMITH & JOHNSON (SHIPPING) INC.
11 BROADWAY
NEW YORK, NEW YORK 10004

Whereas, Compania Trasatlantica Espanola, S.A. (Spanish Line) has ceased to operate the passenger vessels, Covadonga, Guadalupe, Satrustegui and Virginia de Churruca.

It is ordered, That Certificate (Performance) No. P–36 and Certificate (Casualty) No. C–1,003 covering the Covadonga, Guadalupe, Satrustegui and Virginia de Churruca be, and are hereby revoked effective March 8, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–6081 Filed 3–14–74;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 825 North Capitol Street, N.E., Washington, D.C., 9:30 a.m., March 20, 1974, Room 5200.

1. Call to order. FPC Coordinating Representative.
2. Objectives and purposes of meeting. Dr. Duane Chapman will chair the meeting.
A. Review of Dr. Chapman's letter of February 11, 1974 regarding assignments on topics related to near-term conservation measures.
B. Presentations by Dr. Maxine Savitz, Mr. Herb Nash, and Dr. William Jones on assigned topics.
C. Discussion of reporting schedule.
D. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6004 Filed 3–14–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating Additional Member

MARCH 11, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* An additional member of the Technical Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. William A. Johnson, Assistant Administrator, Federal Energy Office.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6005 Filed 3–14–74;8:45 am]

[Docket No. G–3116, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing, Issuance, etc.

MARCH 6, 1974.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, add or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the applications and petitions have been filed.

At a hearing held on February 28, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing cartificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that T. Jack Foster Trust "A" (Operator), et al., should be substituted as respondent in the proceeding pending in Docket No. RI74–23 and that said proceeding should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or redesignated as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) T. Jack Foster Trust "A" (Operator), et al., is substituted as respondent in the proceeding in Docket No. RI74–23 and said proceeding is redesignated accordingly. T. Jack Foster Trust "A" (Operator) et al., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(F) Applicant in Docket No. CI61–1265 shall charge and collect the rate or 24.0 cents per Mcf at 15.025 psia, subject to contractually provided Btu adjustment, and shall submit three copies of a billing statement reflecting such rate.

(G) Applicant in Docket No. CI61–1565 shall submit a supplement to its rate schedule providing for a five-year make-up period for prepaid gas with respect to the additional acreage pursuant to the requirements of § 154.103 of the Commission's regulations.

(H) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate (cents per thousand cubic feet)	Pressure base (pounds per square inch absolute)
G–18201	[1] 21.5	14.65
	[2] 20.0	14.65
CI73–524	32.0	15.325
CI73–769	24.0	15.025
CI74–85	22.375	15.025
CI74–96	[3] 22.375	15.025
	[4] 26.0	15.025

[1] Rate for gas-well gas or residue gas derived therefrom.
[2] Rate for casinghead gas or residue gas derived therefrom.
[3] Rate for sales from November 19, 1972, to December 1, 1973.
[4] Rate for sales after December 1, 1973.

(I) The certificate authorization granted herein in Docket No. CI61–1565 involving sales of natural gas by Anadarko Production Company to its affiliate, Panhandle Eastern Pipe Line Company, determines the rate which legally may be paid to the seller by the buyer, but is without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(J) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new certificates herein:

New Certificate Docket No.	*Amended certificate Docket No.*
CI73–823	G–8679
CI73–824	G–8462
CI73–825	G–9043
CI73–828	G–18864
CI73–829	G–13057
CI74–59	G–12101
CI74–61	CI62–1218
CI74–85	G–3116
CI74–96	CP68–206
CI74–120	G–6205
CI74–304	G–19698
CI74–332	G–7080

(K) Within 90 days from the date of this order, Applicants in Docket Nos. CI73–823, CI73–824, CI73–825, CI73–828, CI73–829, CI74–59, CI74–85, CI74–87, CI74–96, and CI74–121 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 598 and 607, as applicable.

(L) Within 90 days from the date of initial delivery, Applicants in Docket Nos. G–18201, CI61–1565, CI69–459 and CI74–145 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 658 and 662, as applicable.

(M) The certificates and certificate authorizations granted in Docket Nos. G–5315, G–18201, CI61–1565, CI69–459, CI73–823, CI73–824, CI73–825, CI73–828, CI73–829, CI74–59, CI74–61, CI74–85, CI74–87, CI74–96, CI74–120, CI74–121, CI74–145, CI74–172, CI74–194, and CI74–304 are subject to the Commission's findings and orders accompanying Opinion Nos. 586, 598, 607, 658 and 662, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *provided, however,* That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(N) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and ocation	FPC gas rate schedule: Description and date of document [1]	No.	Supp.
G–3116 D [2]	Exxon Corp.	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	Notice of partial cancellation 5–9–73.[3]	34	23
			Effective Date: 3–1–73		
G–5315 E 11–5–73	Exxcel Oil Co. (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Skelly Oil Co., FPC gas rate schedule No. 45.	1	
			Supplements Nos. 1–8 thereto.	1	1–8
			Notice of succession 10–24–73		
			Assignment 10–3–73 [4]	1	9

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
G-7080 ..... D [2]	Cities Service Oil Co..	Columbia Gas Transmission Corp., Morgan "B" Lease, Wetzel County, W. Va.	Assignment 6-1-73 [3]	267	4
			Effective Date: 6-1-73		
G-8124 ..... E 7-16-73	T. Jack Foster Trust "A" (operator) et al. (successor to Foster T Corp. (operator) et al.).	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex.	Foster T Corp. (operator) et al., FPC gas rate schedule No. 1.	1	.....
			Supplements Nos. 1-12	1	1-12
			Notice of succession 7-12-73		
			Assignment 10-25-68 [4]	1	13
			Effective date: 10-25-68		
G-12101 ..... D 6-4-73 [7]	Mobil Oil Corp.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	Assignment 4-1-73 [5]	89	13
			Effective date: 4-1-73		
G-18201 ..... C 9-10-73	Phillips Petroleum Co.	Transwestern Pipeline Co., Flowers Area, Roberts County, Tex.	Letter agreement 5-22-73	364	10
			Contract 8-1-73	364	11
			Effective date: Date of initial delivery.		
CI61-1265 ..... C 12-10-73 [9]	Southern Union Production Co.	El Paso Natural Gas Co., Fruitland and Pictured Cliffs formations, San Juan County, N. Mex.	Supplemental agreement 11-23-73.	2	36
			Effective date: Date of initial delivery.		
CI61-1565 ..... C 9-25-73	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	Amendment 8-30-73	40	5
			Effective date: Date of initial delivery.		
CI62-458 ..... D 5-14-73	Cities Service Oil Co..	Columbia Gas Transmission Corp., acreage in McDowell County, W. Va.	Supplemental agreement 4-17-73.[10]	281	7
			Effective date: Date of this order.		
CI62-825 ..... D 2-7-73	Mobil Oil Corp. (operator) et al.	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	Letter 1-26-73 [11]	312	33
			Effective date: Date of this order.		
CI68-1402 ..... D 11-2-72	Mobil Oil Corp.	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	Assignment 10-18-72 [12]	436	3
			Effective date: 10-1-72		
CI69-459 ..... A 11-1-68	Pioneer Production Corp.	El Paso Natural Gas Co., San Juan Basin Area, San Juan County, N. Mex.	Exchange agreement 2-1-61 ..	38	.....
			Agreement 5-1-61 [13]	38	1
			Agreement 6-1-61	38	2
			Agreement 10-15-61	38	3
			Agreement 11-1-62	38	4
			Effective date: Date of initial delivery.		
CI69-459 ..... A 11-1-68	do	El Paso Natural Gas Co., acreage in Moore County, Tex.	Agreement 10-1-64 [14]	39	.....
			Letter agreement 10-5-64	39	1
			Effective date: Date of initial delivery.		
CI69-459 ..... A 11-1-68	do	Pioneer Natural Gas Co., acreage in Moore County, Tex.	Agreement 11-1-64 [15]	40	.....
			Amendment 1-5-65	40	1
			Effective date: Date of initial delivery.		
CI69-459 ..... A 11-1-68	do	Pioneer Natural Gas Co., Ector and Martin Counties, Tex.	Contract 4-1-61 [16]	41	.....
			Agreement 11-1-64	41	1
			Effective date: Date of initial delivery.		
CI69-638 ..... D 5-4-73	Mobil Oil Corp.	Transwestern Pipeline Co., Rock Tank (Morrow) Field, Eddy County, N. Mex.	Notice of partial cancellation 5-2-73.[17]	448	5
			Effective date: Date of this order.		
CI73-340 ..... E 3-26-73	Atlantic Richfield Co. (successor to Hal A. McVey).	Cascade Natural Gas Corp., Mam Creek Field, Garfield County, Colo.	Hal A. McVey FPC gas rate schedule No. 1.	667	.....
			Supplements Nos. 1-6 thereto.	667	1-6
			Notice of succession 2-22-73		
			Assignment 1-31-73 [18]	667	7
CI73-524 ..... A 2-2-73	Pennzoil Co.	Equitable Gas Co., Booths Creek District, Taylor County, W. Va.	Contract 12-4-72	38	.....
CI73-754 ..... A 5-7-73 [19]	Anadarko Production Co.	Northern Natural Gas Co., Bear Paw Arch Field, Hill County, Mont.	Contract 3-1-73	188	.....
CI73-769 ..... A 5-14-73	Amoco Production Co.	El Paso Natural Gas Co., Gonzales Mesa Verde Field, Rio Arriba County, N. Mex.	Contract 3-8-73	611	.....
CI73-823 ..... F 5-22-73 [20]	Robert O. Sigler (successor to Southern Natural Gas Co.).	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest County, Miss.	Contract 3-21-55	1	.....
			Assignment 4-24-73 [21]	1	1
			Effective date: 4-24-73		
CI73-824 ..... F 5-22-73 [20]	Robert O. Sigler (successor to George D. Hunt, et al.).	....do	Contract 1-10-55	2	.....
			Assignment 3-30-73 [22]	2	1
			Effective date: 3-30-73		
CI73-825 ..... F 5-22-73 [20]	Robert O. Sigler (successor to Sun Oil Co.).	....do	Contract 5-12-55	3	.....
			Assignment 5-15-59 [23]	3	1
			Effective date: 5-15-59		
CI73-828 ..... F 5-22-73 [20]	Robert O. Sigler (successor to Ridgway Management, Inc.).	....do	Contract 4-20-59	4	.....
			Assignment 3-15-73 [24]	4	1
			Effective date: 3-15-73		
CI73-829 ..... F 5-22-73 [20]	Robert O. Sigler (successor to C. R. Ridgway et al.).	....do	Contract 4-27-55	5	.....
			Assignment 3-15-73 [25]	5	1
			Effective date: 3-15-73		
CI74-59 ..... F 7-25-73	Amoco Production Co. (successor to Mobil Oil Corp).	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	Contract 6-6-55	615	.....
			Amendment 10-19-66	615	1
			Assignment 4-1-73 [26]	615	2
			Effective date: 4-1-73		
CI74-61 ..... F 7-25-73	CRA International, Ltd. (successor to Oil & Gas Property Management, Inc.).	El Paso Natural Gas Co., Blanco (Mesa Verde) Field, Rio Arriba County, N. Mex.	Contract 12-31-51	6	.....
			Letter agreement 1-2-53	6	1
			Letter Agreement 1-13-53 ...	6	2
			Amendatory agreement 10-19-53.	6	3
			Assignment 12-29-66 [27]	6	4
			Assignment 12-29-66 [27]	6	5
			Effective date: 12-31-66		

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
C174-85..... F 8-6-73	Houston Oil & Minerals Corp. (successor to Exxon Corp.).	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	Contract 4-9-53	17	.....
			Letter agreement 8-5-68	17	1
			Amendment 7-30-71	17	2
			Assignment 4-17-73 [2]	17	3
			Effective date: 3-1-73		
C174-87..... F 8-6-73	Sun Oil Co. (successor to Anchor Production Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 1-5-59	523	.....
			Amendment 9-30-60	523	1
			Assignment 5-8-73 [3]	523	2
			Letter agreement 5-10-73	523	3
			Effective date: 5-1-73		
C174-96..... F 8-9-73	McLain J. Forman (successor to Southern Natural Gas Co. and North Central Oil Corp.).	Texas Gas Transmission Corp., North Branch Field, Acadia Parish, La.	Ratification 3-29-73	2	.....
			Effective date: 11-19-72		
			Contract 12-22-67	2	1
			Effective date: 11-19-72		
			Amendment 6-28-73	2	2
			Effective date: 11-19-72		
			Assignment 11-19-72 [4]	2	3
			Effective date: 11-19-72		
			Notice (undated)	2	4
			Effective date: 12-2-73		
C174-120..... F 8-20-73	I. W. Lovelady (operator) et al. (successor to Gulf Oil Corp.).	El Paso Natural Gas Co., Spraberry Trend Field, Glasscock County, Tex.	Contract 2-10-54	2	.....
			Amendatory agreement 9-26-66.	2	1
			Amendatory agreement 2-18-69.	2	2
			Assignment 12-22-72 [5]	2	3
			Assignment 1-11-73 [6]	2	4
C174-121..... F 8-14-73	Sun Oil Co. (successor to Anchor Production Co.).	Cities Service Gas Co., acreage in Grant County, Okla.	Contract 1-11-66	526	.....
			Assignment 5-8-73 [3]	526	1
			Effective date: 5-1-73		
C174-145..... A 8-27-73	Gulf Oil Corp	El Paso Natural Gas Co., Langlie Mattix (Queen) Field, Lea County, N. Mex.	Contract 7-27-73	448	.....
			Effective date: Date of initial delivery.		
C174-172..... A 9-10-73	Mobil Oil Corp	Transwestern Pipeline Co., Atoka Morrow Field, Eddy County, N. Mex.	Contract 8-15-73	499	.....
C174-182..... F [7] 9-17-73 [8]	Atlantic Richfield Co	Transwestern Pipeline Co., Atoka Field, Eddy County, N. Mex.	do	673	.....
C174-190..... F [7] 9-20-73 [9]	Hondo Oil & Gas Co	do	do	6	.....
C174-194..... A 9-20-73	Cities Service Oil Co	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 9-11-73	406	.....
C174-304..... F 11-12-73	M & M Production & Operation (successor to Skelly Oil Co.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Contract (No. 6722) 8-4-59	1	.....
			Letter agreement 7-5-60	1	1
			Supplemental agreement 9-12-60.	1	2
			Letter agreement 10-6-67	1	3
			Supplemental agreement 8-19-68.	1	4
			Letter agreement 8-20-68	1	5
			Supplemental agreement 2-13-69.	1	6
			Letter agreement 4-1-69	1	7
			Supplemental agreement 3-1-72.	1	8
			Supplemental agreement 3-6-72.	1	9
			Letter agreement (Skelly) 3-17-72.	1	10
			Letter agreement (Gilles) 3-17-72.	1	11
			Assignment 10-22-73 [4]	1	12
C174-332..... F 9-10-73	Robert R. Price (successor to Cities Service Oil Co.).	Columbia Gas Transmission Corp., Morgan "B" Lease, Wetzel County, W. Va.	Contract 2-4-47	5	.....
			Letter agreement 7-29-52	5	1
			Letter 7-7-67	5	2
			Notice of merger 7-28-71.	5	3
			Assignment 6-1-73 [10]	5	4
			Effective date: 6-1-73		

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] No certificate filing necessary, 18 CFR 2.64.
[3] Conveys acreage from applicant to Houston Oil & Minerals Corp., applicant in docket No. C174-85.
[4] Conveys acreage from Skelly Oil Co. to applicant.
[5] Conveys acreage from applicant to Robert R. Price, applicant in docket No. C174-332.
[6] Conveys acreage from Foster T Corp. (operator) et al., to applicant.
[7] As amended on June 21, 1973.
[8] Conveys acreage from applicant to Amoco Production Co., applicant in docket No. C174-59.
[9] As supplemented on Jan. 7, 1974.
[10] Deletes nonproducing acreage. Applicant states the terms and conditions of the basic contract prevented applicant from fully developing the acreage and from obtaining development through farmouts and assignments. Columbia reserves the right of first refusal to purchase any gas which may later be developed on the released acreage.
[11] Nonproducing lease has been canceled.
[12] Conveys acreage from applicant to the purchaser.
[13] Applicant delivers gas to El Paso in San Juan and El Paso redelivers equivalent volumes to applicant in West Texas.
[14] El Paso will transport gas received from applicant upstream of Dumas Station to applicant downstream of the station.
[15] Gas sold is obtained by exchange agreement under rate schedule No. 39.
[16] Gas sold is obtained by exchange agreement under rate schedule No. 38.
[17] Deletes nonproducing leases which have expired under their own terms.
[18] Conveys acreage from Hal A. McVey to applicant.
[19] As amended on May 25, 1973.
[20] As supplemented on Aug. 21, 1973.
[21] Conveys acreage from Southern Natural Gas Co. to applicant.
[22] Conveys acreage from George D. Hunt et al., to applicant.
[23] Conveys acreage from Sun Oil Co. to applicant.
[24] Conveys acreage from Ridgway Management, Inc., to applicant.
[25] Conveys acreage from C. R. Ridgway et al., to applicant.
[26] Conveys acreage from Mobil Oil Corp. to applicant.

[27] Conveys acreage from Oil & Gas Property Management, Inc., to applicant.
[28] Conveys acreage from Exxon Corp. to applicant.
[29] Conveys acreage from Anchor Production Co. to applicant.
[30] Conveys acreage from Southern Natural Gas Co. and North Central Oil Corp. to applicant.
[31] Conveys acreage from Gulf Oil Corp. to applicant.
[32] Assigns one-half of the subject properties to R. L. Hamm, Jr.
[33] Applicant requests authorization to sell gas from acreage obtained after payout.
[34] As amended on Oct. 12, 1973.
[35] As amended on Oct. 15, 1973.
[36] Conveys acreage from Cities Service Oil Co. to applicant.

[FR Doc.74-5763 Filed 3-14-74;8:45 am]

[Docket Nos. RI74-170, *et al.*]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 8, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission,

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-170	Texas Pacific Oil Co., Inc.	19	19	West Texas Gathering Co., (Emperor Field, Winkler County, Tex.) (Permian Basin).	$591,889	2- 8-74		8-11-74	29.5103	42.1575	RI73-258.
RI73-269	Texaco, Inc.	179	11	West Texas Gathering Co., (Emperor and South Kermit Field, Winkler County, Tex.) (Permian Basin).	584,034	2-11-74		(12)	23.95	30.5642	
RI72-44	do	232	8	Transwestern Pipe Line Co., (South Kermit Field, Winkler County Tex.) (Permian Basin).	66,966	2-11-74		2-12-74	24.04	27.2595	
RI74-171	Chevron Oil Co., Western Division.	20	12	El Paso Natural Gas Co. (Puckett Field, Pecos County, Tex.) (Permian Basin).	194,185	2-11-74		8-14-74	24.09	25.0938	RI73-223.
RI74-172	Sun Oil Co.	252	[2] 4	El Paso Natural Gas Co. (Espy (Canyon) Field, Sutton County, Tex.) (Permian Basin).	[3]	2-11-74		8-14-74	[4] 34.05	[4] 41.0	
RI74-173	Amerada Hess Corp.	30	31	Northern Natural Gas Co. (Miscellaneous Fields, Lea County, N. Mex.) (Permian Basin).	904,751	2-11-74		8-14-74	23.92	[4] 38.29	
	do	51	13	Northern Natural Gas Co. (Monument-McKee Field, Lea County, N. Mex.) (Permian Basin).	149,888	2-11-74		8-14-74	23.44	[5] 37.77	
RI74-91	Atlantic Richfield Co.	229	[6] 1 to 12	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	46,894	2-13-74		6- 1-74	28.105	42.1575	RI73-211.
RI74-91	do	452	[6] 1 to 10	do	89,093	2-13-74		6- 1-74	28.105	42.1575	RI73-211.
RI74-122	Skelly Oil Co.	159	[7] [8] 1 to 11	do	702,559	2- 8-74		6-12-74	28.0	[9] 42.1575	RI73-232.
RI74-103	Union Oil Co. of California.	118	[10] [11] 1 to 10	West Texas Gathering Co. (Emperor and South Kermit Field, Winkler County, Tex.) (Permian Basin).	585,462	2-14-74		6- 3-74	29.5103	42.1575	RI73-162.

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to Btu adjustment.
[2] Applicable only to wells drilled on or after July 10, 1973, pursuant to Supplement No. 2.
[3] No current deliveries.
[4] Converted from 39.27 cents per M ft³ at 15.025 lb/in²a.
[5] Converted from 38.74 cents per M ft³ at 15.025 lb/in²a.
[6] Substitute increase for prior increase to 29.109 cents M ft³.
[7] Substitute increase for prior increase to 29.0 cents per M ft³.
[8] Amended by letter dated Feb. 22, 1974.
[9] Not applicable to acreage added by Supp. No. 1.
[10] Substitute increase for prior increase to 30.5642 cents per M ft³.
[11] Amended by letter dated Feb. 25, 1974.
[12] The proposed rate is suspended until Aug. 14, 1974, insofar as it exceeds 28.105 cents per M ft³, and is suspended until Feb. 12, 1974, insofar as it does not exceed 28.105 cents per M ft³.

The proposed rate increases of Texas Pacific Oil Company, Inc., Chevron Oil Co., Sun Oil Co., and Amerada Hess Corp. exceed the applicable area ceiling rates and are suspended for five months.

The proposed rate increase of Texaco Inc. under FPC Gas Rate Schedule No. 179 is suspended until February 12, 1974, insofar as it does not exceed 28.105 cents per Mcf, and that portion of the increase that exceeds 28.105 cents is suspended until August 14, 1974. This treatment is based on the fact that prior to the issuance of Opinion No. 662 Texaco was collecting 28.105 cents per Mcf subject to refund in Docket No. RI73-269.

The proposed rate increase of Texaco Inc. under FPC Gas Rate Schedule No. 232 is suspended for one day from the date of filing, subject to the existing suspension proceeding in Docket No. RI72-44, because prior to the issuance of Opinion No. 662 Texaco was collecting this same rate subject to refund.

The proposed rate increases filed by Atlantic Richfield Co., Skelly Oil Co., and Union Oil Company of California represent favored nations increases which they propose to substitute for periodic increases that were suspended until June, 1974.

[FR Doc.74-5948 Filed 3-14-74;8:45 am]

[Docket No. CI74-459]

BASIN OPERATING COMPANY, LTD.

Notice of Application

MARCH 8, 1974.

Take notice that on February 28, 1974, Basin Operating Company, Ltd. (Applicant), 533 Citizens First National Bank Building, Tyler, Texas 75701, filed in Docket No. CI74-459 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Slocum Field, Anderson County, Texas, 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 on October 31, 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 February 28, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 2,546 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 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.74-6006 Filed 3-14-74;8:45 am]

[Docket No. RI74-32]

CHAMPLIN PETROLEUM CO.

Order Accepting Rate Increase

MARCH 8, 1974.

On January 28, 1974, Champlin Petroleum Company (Champlin) filed to amend its petition for special relief in Docket No. RI74-32 filed August 27, 1973, to accept, in lieu of 35 cents per Mcf originally filed, a rate of 24 cents per Mcf proposed to be effective August 27, 1973, and 25 cents per Mcf proposed to be effective October 1, 1973, (the Texas Gulf Coast new gas area ceiling).

Champlin's original contract to sell natural gas to Tennessee Gas Pipeline Company, dated August 15, 1952, has expired by its own terms.

On May 1, 1973, Champlin entered into a new contract for the continued sale of the subject gas to Tennessee. Thus, pursuant to the provisions of Opinion No. 639, issued December 12, 1972,[1] Champlin is entitled to receive the new gas rate in Texas Gulf Coast Area of 25 cents per Mcf.

Champlin filed on August 27, 1973, for a certificate of public convenience and necessity for initial service in Docket No. CI74-144; however, the proposed certificate application filed in Docket No. CI74-144 is unnecessary as Champlin was heretofore authorized to sell natural gas to Tennessee from this acreage under the basic contract dated August 15, 1952, by the Commission's order issued July 8, 1957, and in view thereof, the certificate application in Docket No. CI74-144 should be dismissed.

The Commission orders:

(A) Champlin's filings of January 28, 1974, consisting of an agreement dated May 1, 1973, a settlement offer dated January 23, 1974, and a notice of change in rate dated January 23, 1974, are hereby accepted as Supplement Nos. 16, 17 and 18, respectively, to Champlin Petroleum Company (Operator), et al., FPC Gas Rate Schedule No. 5.

(B) Champlin's proposed rate increase filing to become effective as of the date of the issuance of this order.

(C) The certificate application in Docket No. CI74-144 is dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6007 Filed 3-14-74;8:45 am]

[1] Opinion And Order Denying Petitions to Amend Regulations Governing Sales in Interstate Commerce of Natural Gas Produced in the Appalachian and Illinois Basin Areas, issued December 12, 1972, in Docket No. R-371, 48 FPC 1299, reh. denied February 8, 1973.

[Docket No. CP74-215]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 7, 1974.

Take notice that on February 25, 1974, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-215 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of pipeline, measuring, regulating and appurtenant facilities and the sale of natural gas to the Town of Copan for resale in and about Copan, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the sale of gas by Applicant commenced in 1947 to Georgia Oil and Gas Company for resale in Copan on an emergency basis under its FPC Gas Rate Schedule E. In 1952, the sale was changed to Rate Schedule F-1 since Georgia Oil and Gas was purchasing from Applicant more than one-half of the natural gas requirements of Copan. Georgia Oil and Gas Company has now sold its natural gas in Copan to the Town of Copan and the town will operate its own distribution system.

The application states that Copan is a community with a population of 617, located on Applicant's 18-inch pipeline in Washington County, Oklahoma. Applicant requests authorization to continue the sale of natural gas to Copan under Applicant's Rate Schedule F-1, with annual sales volumes of approximately 52,467 Mcf of gas at 14.73 psia. Applicant states that it constructed the facilitities necessary to deliver gas to Copan to render emergency service and that there is no existing certificate authorization for such facilities and continued service. Applicant states further that the original cost of the facilities was $732.43 and that no new facilities are required for such sale. The application states that no new sales are proposed through these facilities and their continued operation will not materially affect Applicant's overall system operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the 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.74-6008 Filed 3-14-74;8:45 am]

[Docket No. E-8636]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Proposed Transmission Agreement

MARCH 7, 1974.

Take notice that on February 25, 1974 Connecticut Light and Power Company, Hartford Electric Light Company, and Western Massachusetts Electric Company (Renderers of Service) tendered for filing a proposed Transmission Agreement between Renderers of Service and New Bedford Gas and Edison Light Company (NBG & E).

Renderers of Service state that the filing is in accordance with Part 35 of the Commission's regulations and that the proposed Transmission Agreement provides for transmission service to NBG & E for the period commencing May 1, 1974 and terminating October 31, 1974. The proposed effective date of the Transmission Agreement is May 1, 1974.

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, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions' rules of practice and procedure. All such petitions and protests should be filed on or before March 20, 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.74-6009 File 3-14-74;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MARCH 7, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on February 25, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective April 6, 1974. The proposed rate increase would generate $9.6 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Transcontinental Gas Pipe Line Corporation and Texas Gas Transmission Corporation (Texas Gas) for effectiveness April 1, 1974 and Texas Eastern Transmission for effectiveness April 6, 1974. Texas Gas has included in its filing the increased severance tax of the State of Louisiana. Commission Order No. 500 directs that such increased severance tax be included in the deferred account and therefore included in the pipeline companies' regular PGA filings. Texas Gas has requested relief to include the severance tax in its April 1, 1974 rates. Consolidated states that it will revise its rates, if necessary, to reflect the rates ultimately approved by the Commission.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's increased rates in sufficient time for itself to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on April 6, 1974.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons 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 20, 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.74-6010 Filed 3-14-74;8:45 am]

[Docket No. CP69-23]

EL PASO NATURAL GAS CO.

Petition To Amend

MARCH 7, 1974.

Take notice that on February 22, 1974, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP69-23 a petition to amend the order of the Commission issued in said docket August 21, 1969 (42 FPC 562), as amended, pursuant to sections 7(c) and 7(b) of the Natural Gas Act by authorizing the continued operation of certain tap facilities and the continued sale of gas by Petitioner to Rimrock Gas Company (Rimrock) for resale and distribution, in Donley County, Texas, and by permitting and approving the abandonment of certain other sales and deliveries, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order issued August 21, 1969, Petitioner was authorized, among other things, to sell and deliver natural gas to Rimrock for resale and distribution to consumers situated in the rural areas of Gray, Wheeler, Donley and Collingsworth Counties, Texas, pursuant to a gas sales agreement between Petitioner and Rimrock dated February 20, 1967. This agreement, designated Rate Schedule FS-34 of Petitioner's FPC Gas Tariff, Original Volume No. 2A, had a primary term which expired on December 31, 1972. Service since that time has continued under the terms of that agreement on a month-to-month basis.

Petitioner and Rimrock have executed a Service Agreement, dated January 1, 1973, and Exhibits A and B thereto, each dated August 7, 1973, which supersedes and cancels the February 20, 1967, agreement. This latter agreement provides for the continued sale and delivery of gas to Rimrock for resale and distribution to its customers in the aforementioned areas for a primary term extending through December 31, 1982. Petitioner states that sales and deliveries to Rimrock under the new agreement will be made according to the terms and provisions of Rate Schedule X-1 of Petitioner's FPC Gas Tariff, Original Volume No. 1.

Petitioner states further that it was originally authorized under its Rate Schedule FS-34 to provide deliveries of gas to Rimrock not to exceed 25 Mcf at any one of the delivery points specified in Exhibit B, which resulted in an aggregate maximum daily authorized gas volume to Rimrock of 325 Mcf.

The petition states that two of the delivery points designated in Exhibit B to Rate Schedule FS-34, points of delivery to Liesley Darcey and B. J. Shaw both located in Gray County, have been discontinued and no service has been rendered for approximately five years. Petitioner proposes to abandon said delivery points and requests that the Commission amend its order issued August 21, 1969, to reflect this deletion.

The petition states further that five delivery points were inadvertently omitted from Exhibit B to Rate Schedule FS-34 which Petitioner has been serving.[1] Petitioner states that one of these points, the T. F. Spain Trust Tap located in Donley County, was installed without specific authorization in September 1968. Petitioner, therefore, requests that the Commission amend the August 21, 1969, order to authorize the continued use of the T. F. Spain Trust Tap for the sale and delivery of gas to Rimrock.

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[1] Such five taps consist of the Leonard Glass Tap, Gray County, Texas; T. F. Spain Trust Tap, Donley County, Texas; C. McCurley Tap, Gray County, Texas; C. H. Clark Tap, Collingsworth County, Texas; and City Golf Club Tap, Wheeler County, Texas.

Petitioner states that based on the deletion from Exhibit B of the two delivery points specified above and inclusion of the five omitted delivery points in said exhibit, pursuant to the formula in Exhibit A to Petitioner's Rate Schedule FS–34 Rimrock has been effectively entitled to a total maximum daily delivery of 400 Mcf of gas. Petitioner states further that its service agreement of April 1, 1973, correctly reflects the 16 presently connected delivery points at which Rimrock will continue to be entitled to and Petitioner will provide an aggregate maximum daily contract quantity of 400 Mcf of gas per day for service to Rimrock's priority 1 and priority 2 customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6011 Filed 3–14–74;8:45 am]

[Docket Nos. RP72–155, RP73–104]

EL PASO NATURAL GAS CO.

Proposed Tariff Changes and Notice of Change in Rates

MARCH 7, 1974.

Take notice that on February 14, 1974, El Paso Natural Gas Company (El Paso) filed pursuant to Part 154 of the Commission's regulations Under the Natural Gas Act a total of forty (40) tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso states the tariff sheets will accomplish the following principal changes in the aforementioned volumes of El Paso's FPC gas tariff volumes: (i) permit the appropriate application of the currently effective Purchased Gas Cost Adjustment Provision (PGAC) now contained as Section 19 of the General Terms and Conditions of El Paso's Original Volume No. 1 tariff to certain special rate schedules contained in Third Revised Volume No. 2 and Original Volume No. 2A tariff; (ii) provide a single statement of rates tariff sheet applicable to sales under certain rate schedules contained in said Volume No. 2 tariff and under all rate schedules contained in said Volume No. 2A tariff and incorporating the said PGAC provisions in such tariff volumes; (iii) establish a new Purchased Gas Cost Adjustment Provision—Clean High Pressure Gas (PGAC—Clean High Pressure Gas) as a part of El Paso's Original Volume No. 2A tariff; (iv) provide a current Table of Contents for its Third Revised Volume No. 2 and Original Volume No. 2A tariff.

El Paso further states that its currently effective PGAC provisions are now applicable to only Original Volume No. 1 rate schedules and in order to maintain parity of rate treatment among customers and to avoid rate inequities among comparable customers El Paso proposes to include such PGAC provisions as a part of Volume Nos. 2 and 2A which shall apply only to those specifically identified special services rate schedules contained in such tariff volumes for which the appropriate rate to be collected thereunder is keyed to and identical with the rate in effect from time to time under designated rate schedules contained in El Paso's FPC Gas Tariff, Original Volume No. 1.

In order for El Paso to implement the PGAC application in said tariff volumes, a single tariff sheet Statement of Rates is now proposed in its Third Revised Volume No. 2 and Original Volume No. 2A. Effectiveness of the proposed single statement of rates sheet for each of the said tariff volumes will eliminate the need for El Paso to file numerous tariff sheets in future notices of change in rates applicable to the special rates schedules contained therein.

El Paso states it is necessary to establish a new PGAC applicable to certain of its Volume No. 2A sales rate schedules, which rates are determined on the basis of purchased gas cost for clean high pressure, pipeline quality gas. According to El Paso, the special rate schedules which will be affected by the proposed PGAC—Clean High Pressure Gas are: Rate Schedules FS–3, FS–6, FS–7, FS–10, FS–12, FS–31 and FS–32 contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

The purpose of the PGAC—Clean High Pressure Gas provision, as stated by El Paso, is two-fold: (i) It is designed to eliminate inequities which, absent the increase in jurisdictional rates proposed, will exist between purchasers under the seven (7) special rate schedules affected hereby, and other purchasers, served by its interstate system, whose rates under PGAC provisions are adjusted reasonably frequently to reflect changes in gas cost, and (ii) it is designed to obtain the increase in jurisdictional revenues which, when effective, will eliminate the inequities now existing between such classes of purchasers.

Additionally, El Paso has included as a part of its filing a notice of change in rates applicable to certain rate schedules contained in its Original Volume No. 2A Tariff identified on the statement of rates tariff sheet designated as First Revised Sheet No. 1–D, to Original Volume No. 2A. Said notice of change was filed pursuant to the PGAC—Clean High Pressure Gas provisions which was tendered concurrently therewith. El Paso states the notice of change in rates will compensate El Paso only for the increase in its weighted average cost of clean, high pressure, pipeline quality gas purchased in the Permian Basin area. El Paso's filing states that said purchased gas cost will increase by 7.535¢ per Mcf from the present rate of 19.3434¢ per Mcf to 26.8758¢ per Mcf. The computation of such increase of 7.5351¢ per Mcf includes producer increases which will have become effective on or before March 31, 1974.

The increase in jurisdictional rates, the subject of the instant notice, is 7.5351¢ per Mcf above the rates in effect since July 1, 1970, under the special rate schedules subject to the PGAC—Clean High Pressure Gas adjustment provisions proposed herein. El Paso states that such increased rates will produce, based upon sales volumes for the twelve (12) months ended December 31, 1973, additional jurisdictional revenues of $94,566 annually.

El Paso has requested that the Commission grant such waivers, as may be necessary, of all its applicable rules and regulations, particularly §§ 154.22, 154.38 (d) (4), 154.52(c) and 154.66 of its Regulations, so as to: (i) Permit the tariff sheets tendered to become effective as of January 1, 1974, in order that El Paso may accumulate appropriate charges and credits to Account 191 Unrecovered Purchased Gas Cost, relating to the proposed PGAC additions herein respecting the identified Volume Nos. 2 and 2A rate schedules, (ii) permit the tendered tariff sheets comprising revised Table of Contents under El Paso's Volume Nos. 2 and 2A tariff and reflecting the changes proposed to become effective on January 1, 1974; and (iii) permit the notice of change in rates together with the related tendered tariff sheet to become effective as of April 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6012 Filed 3–14–74;8:45 am]

[Docket No. E–8170]

GEORGIA POWER CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 7, 1974.

On February 15, 1974, Georgia Power Company filed a motion for an extension of the procedural dates fixed by notice issued January 11, 1974 in the above-

designated matter, on its behalf and at the verbal request and concurrence of counsel for the Georgia Municipal Association, Georgia Electric Membership Corporation, and Staff Counsel. The motion also states a settlement conference is scheduled for March 18, 1974, at 1 p.m.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Testimony & Exhibits by Intervenors, March 29, 1974.
Service of Rebuttal Evidence by Company, April 17, 1974.
Prehearing Conference & Commencement of Hearing, May 7, 1974 (10 a.m. edt).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6014 Filed 3-14-74;8:45 am]

[Docket No. CI74-456]

GULF OIL CORP.

Notice of Application

MARCH 7, 1974.

Take notice that on February 25, 1974, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI74-456 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Age Ranch (Canyon) Field, Schleicher County, Texas, 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 on January 22, 1974, 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 three years 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 approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf the first year, 46.0 cents per Mcf the second year, and 47.0 cents per Mcf the third year, all at 14.65 psia and 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 29, 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.74-6013 Filed 3-14-74;8:45 am]

[Docket No. CP73-294]

IROQUOIS GAS CORP. ET AL.

Offer of Settlement

MARCH 8, 1974.

Take notice that on February 20, 1974, Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company, and NFG Gas Corporation (Applicants) filed in Docket No. CP73-294 a motion transmitting and requesting acceptance of a stipulation as an offer of settlement with the New York Public Service Commission and the Pennsylvania Public Utility Commission of certain issues raised by the application filed in the subject docket on April 30, 1973, pursuant to sections 7(b) and 7(c) of the Natural Gas Act. In said application Applicants request permission and approval to abandon and a certificate of public convenience and necessity authorizing the acquisition and operation of the same facilities to achieve a corporate reorganization. The New York Public Service Commission has requested a formal hearing on the application.

The stipulation recites that as a result of proposed acquisitions and abandonments substantial exchanges of property are to occur and the reorganization contemplates the filing with the Commission of new rates for sales for resale by United National Gas Company; that in the course of planning for the reorganization United Natural Company developed data based on the 12 months ended December 31, 1971, showing the potential impact of the reorganization on the operations of the reorganized system in New York and Pennsylvania under several rate assumptions; and that preliminary rate schedules designed by United Natural Gas Company, based upon book values for the 12 months ended December 31, 1971, and utilizing a two-part rate containing demand and commodity portions with different rate levels projected for New York and Pennsylvania, resulted in reassignment of approximately $500,000 in the annual cost of rendering wholesale gas service from New York to Pennsylvania. The stipulation recites further that the New York Public Service Commission has presented a preliminary rate analysis which indicates that rates based upon book values for the 12 months ended December 31, 1971, and utilizing a commodity rate only, which may be appropriate on the National Fuel Gas Company system, and which would be effective both in New York and Pennsylvania, would require the reassignment of approximately $1,600,000 in the annual cost of rendering gas service from New York to Pennsylvania. The stipulation says that the rates currently being paid by Applicants to certain unaffiliated pipeline supplies are higher in New York than in Pennsylvania owing to zone changes in the tariffs of those suppliers.

Applicants, the New York Public Service Commission, and the Pennsylvania Public Utility Commission agree that, if the application in Docket No. CP73-294 is granted and other regulatory approvals that may be required are obtained and the reorganization becomes effective, Applicants will file new rates for sales for resale subject to the jurisdiction of the Commission. Applicants undertake to file a uniform one-zone commodity rate per Mcf of gas effective both in New York and Pennsylvania with an additional surcharge per Mcf for all gas sold in New York. The surcharge will be based upon an equal division of the additional cost between the two-part two-zone rate in the preliminary rate schedules designed by United Natural Gas Company and the one-part one-zone rate presented in the rate analysis of the New York Public Service Commission, with the understanding that the level of the rate will be based upon data for the most recent test period available. Applicants state that they make no representation as to the eventual rate levels other than the relative division of costs.

Applicants undertake that between the time the reorganization becomes effective and the time the new rates become effective, they anticipate no changes in rates for sales for resale other than through normal operation of the various purchased gas adjustment clauses. They agree that an interim filing will be made to permit the intra-system sale of gas from United Natural Gas Company to NFG Gas Corporation so that gas may be delivered to retail customers in the present United Natural Gas Company service area. The interim filing will reflect only the cost of Gas to United Natural Gas Company and is intended only to provide a vehicle for serving retail customers during the period before new wholesale rates become effective. Applicants undertake to make every effort to shorten or eliminate this interim period.

The New York Public Service Commission agrees to withdraw its request for a formal hearing and the Pennsylvania Public Utility Commission states that it has no objection to the above proposal.

Any person desiring to be heard or to make any protest with reference to said motion should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a peti-

tion 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. Persons who have heretofore filed petitions to intervene, notices of interventions, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6015 Filed 3-14-74;8:45 am]

[Docket No. CI74-454]

McDOWELL OIL PROPERTIES, INC.

Notice of Application

MARCH 7, 1974.

Take notice that on February 22, 1974, McDowell Oil Properties, Inc. (Applicant), c/o Harry C. Marberry, Esquire, 1606 First National Center, Oklahoma City, Oklahoma 73102, filed in Docket No. CI74-454 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company from acreage in Payne County, Oklahoma, 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 intends to commence the sale of natural gas 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 two years 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 up to 2,000 Mcf of gas per day, plus additional gas which may be available and which the purchaser can receive, at 45.0 cents per Mcf at 14.4 psia, subject to upward and downward Btu adjustment. Estimated monthly sales are 1,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 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.74-6019 Filed 3-14-74;8:45 am]

[Docket No. CI74-445]

O. B. MOBLEY

Notice of Application

MARCH 7, 1974.

Take notice that on February 15, 1974, O. B. Mobley (Applicant), 1011 Commercial Natural Bank Building, Shreveport, Louisiana 71101, filed in Docket No. CI74-445 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Elm Grove Field, Bossier 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 to United from the subject acreage on January 31, 1974, 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 its available gas, approximately 45,000 Mcf per month, from the subject acreage at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment with upward adjustment limited to 1,150 Btu per cubic foot. Applicant indicates that the estimated Btu content of the gas is 1148.2 Btu per cubic foot. Applicant also states that there is 7.0 cents tax reimbursement per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the 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.74-6018 Filed 3-14-74;8:45 am]

[Project 13]

NIAGARA MOHAWK POWER CORP.

Issuance of Annual License

MARCH 7, 1974.

On March 2, 1970, Niagara Mohawk Power Corporation, Licensee for Green Island Project No. 13 located in the vicinity of the Town of Green Island, Albany County, New York, on the Hudson River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 28, 1970.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corporation for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corporation (Licensee) under section 15 of the Federal Power Act for the period March 3, 1974, to March 2, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes

first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6016 Filed 3-14-74;8:45 am]

[Docket Nos. E-8586, E-8587]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Suspending Proposed Rate Increases, Setting Matter for Hearing, Instituting Investigation, Consolidating Proceedings and Permitting Intervention

MARCH 7, 1974.

On January 8, 1974, Public Service Company of Indiana (PSCI) tendered for filing in Docket No. E-8586 a revised schedule for firm power service to the Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative (Hoosier). This proposed service schedule supersedes a supplement to an interconnection agreement between PSCI, Hoosier, and Southern Indiana Gas and Electric Company (SIGECO). Hoosier purchases partial requirements from PSCI for resale to its members. The proposed changes would effect an increase to this customer of $826,552. The proposed effective date is March 9, 1974.

Notice of the proposed rate increase in Docket No. E-8586 was issued on January 15, 1974, with protests and petitions to intervene due on or before January 21, 1974. No comments, protests, or petitions to intervene have been received.

On January 8, 1974 PSCI tendered for filing in Docket No. E-8587 proposed changes in rates for the following: (1) thirty-nine municipals who purchase all their electric requirements from PSCI under FPC Electric Rate Tariff Second Revised Volume No. 1; (2) fifteen rural electric membership corporations who purchase all their electric requirements under FPC Electric Tariff Original Volume No. II; and (3) five municipals who have their own generating facilities.[1]

The proposed changes in Docket No. E-8587 would effect an increase to these customers of $4,737,034 effective May 15, 1974. PSCI requests that the Commission waive the 90 day maximum notice requirement of Section 35.3 of the Commission's Regulations to permit acceptance of the filing.

Notice of the filing in Docket No. E-8587 was issued on January 16, 1974, with protests and petitions to intervene due on or before January 27, 1974. Untimely petitions to intervene were filed on January 28, 1974, by the following petitioners: (1) Crawfordsville, Frankfort, Logansport, Peru, and Washington, Indiana (Municipals); (2) the Indiana Municipal Electric Association and twenty-five Indiana municipalities (IMEA); (3) Wabash Valley Power Association and twelve Rural Electric Membership Corporations (Wabash); and (4) Henry County, Jackson County, and Tipmont Rural Electric Membership Corporations (REMC).

In their petition, the Municipals make the following assertions: (1) Their interconnection agreements are fixed rate contracts which prohibit any unilateral changes by PSCI for a specified time period; (2) the proposed changes were filed more than ninety days in advance of the proposed effective date and should be rejected for this reason; (3) the Company's use of a projected test year, pursuant to Order No. 487,[2] in its tendered filing, is incorrect because in promulgating the new regulation, the Commission exceeded its authority under the Federal Power Act; and (4) PSCI made several errors in its determination of the rate base for its wholesale companies and in its determination of the allowable rate of return. The Municipals request that the tendered filing be rejected, or if accepted for filing, that it be suspended for five months. On February 18, 1974, the Company filed an answer to the Municipal's petition alleging that the interconnection agreement with the City of Frankfort contained an adequate Memphis[3] clause, and that denying the rate increase for the other municipals while granting the increase with regard to Frankfort would be unduly discriminatory.

With respect to the Municipals petition we find that the contracts with the Cities of Crawfordsville, Logansport, Peru, and Washington, Indiana, are for specified periods of time (each contract is for a period of ten years except for the contract with the City of Washington, Indiana, which has a duration of eight years) and these agreements do not appear to contemplate changes in rates effected upon unilateral application of PSCI pursuant to the provisions of section 205 of the Federal Power Act. The contract with the City of Frankfort contains a Memphis clause in Article 12.1 which would permit such a unilateral filing with the Commission.[4] We shall therefore reject PSCI's filing as it pertains to the four municipals discussed above.

With regard to the aforementioned challenge to Order No. 487, we note that such a challenge should have been raised in the rulemaking proceeding which permitted comments to be filed concerning the proposed changes in the Commission's Regulations under the Federal Power Act. We also note that insofar as the Municipals have challenged the Company's determination of the rate base and the proper rate of return that they have raised issues which go to the merits of the controversy and should be considered at the evidentiary hearing hereinafter ordered.

IMEA advanced the following arguments in its petition: (1) there are numerous discrepancies in the Company's cost of service; (2) the Company has and is participating in activities which appear to violate the antitrust laws and the Federal Power Act; (3) the claimed rate of return is excessive; (4) the capital structure is based on a theoretical model; (5) several clauses of the tariff require the customers to purchase all of their requirements for successive five year periods without any termination provision; and (6) the proposed rate for firm service to IMEA is substantially higher than the new rate for firm service to Hoosier proposed in Docket No. E-8586. IMEA requested that the tendered filing be rejected, or alternatively, that the tendered filing be suspended for five months and set for hearing. On February 14, 1974 PSCI filed an answer to IMEA's petition wherein PSCI denied that it has engaged in any anticompetitive activity and stated that a five month suspension would deprive the Company of $820,000 in operating revenues.

As indicated previously, arguments concerning the issues of rate of return, cost of service and the terms and conditions of the contracts go to the merits of the controversy and should be presented and developed at the evidentiary hearing. As to the anticompetitive allegations raised by IMEA, we note that these same allegations, arising from the same factual background, and involving these same parties were the subject of proceedings before this Commission in Docket Nos. E-7638[5] and E-7647.[6] It would not be in the public interest to open these proceedings to a relitigation of those issues. We shall therefore limit the participation of IMEA to those issues in their petition other than the anticompetitive allegations and deny the motion to reject PSCI's filing.

In addition to raising many of the same questions raised by the other intervenors above, Wabash in its petition alleges: (1) PSCI's tax calculation allocated a disproportionate amount of long term debt to its nonutility operation; (2) changing the billing determinant from kw to kva would seriously penalize the cooperative customers; and (3) the fuel adjustment clause in the tendered filing does not conform with Opinion

[1]

Customer	Applicable rate schedule FPC No.
Frankfort	211
Crawfordsville	212
Peru	215
Washington	223
Logansport	224

[2] Order Amending Section 35.13 of The Regulations Under The Federal Power Act, Docket No. R-463, Order No. 487 (issued July 17, 1973).

[3] United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division, 358 U.S. 103 (1958).

[4] The clause reads as follows: "This Agreement is made subject to the jurisdiction of any governmental authority or authorities having jurisdiction in the premises. The terms and conditions of this Agreement, and the provisions of the rates attached hereto and made a part hereof, may be changed by the Company from time to time by filing such change(s) with the Federal Power Commission and upon receipt of such Commission's acceptance for filing will supersede and cancel the present terms and conditions of this Agreement and such rate provisions."

[5] Public Service Company of Indiana and Southern Indiana Gas Electric Company.

[6] Public Service Company of Indiana.

No. 633.[7] Wabash requests that the Commission suspend the proposed rate increase for a period of five months and order a hearing upon the lawfulness of the proposed rate change. In its answer, filed on February 14, 1974, PSCI argues that the proposed increase can be flowed through to Wabash's customers upon application to the Public Service Commission of Indiana, and a five month suspension would result in the loss of $843,000 in operating revenue.

Finally, REMC objected to the proposed 60 percent ratchet applied to the billing demand and alleged that numerous adjustments should be made to PSCI's claimed rate base. In its answer, filed on February 14, 1974, PSCI merely denied certain of these allegations.

The contentions of these intervenors, with the exception of the fuel clause, go to the merits of PSCI's filing and should be raised in the evidentiary hearing.

Our review of the filings in Docket Nos. E–8586 and E–8587 indicates that they raised issues that require development in an evidentiary hearing. The proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Due to the similarity of the issues involved, we conclude that it would be appropriate to consolidate these dockets for the purpose of hearing and decision.

For the foregoing reasons, we shall suspend the proposed rates in Docket No. E–8586 for one day. Those increases proposed in Docket No. E–8587 which do not apply to fixed-rate contracts shall be suspended for the full statutory period. With regard to the fixed-rate contracts[8] which cannot be amended through a unilateral filing, we shall institute an investigation pursuant to section 206 of the Federal Power Act into the rates, charges, classifications and services contained in those contracts and consolidate that investigation with the section 205 proceeding hereinafter ordered.

Finally, we note that the proposed fuel adjustment clause does not conform with Commission Opinion No. 633; accordingly, PSCI shall be required to file, within thirty days of the issuance of this order, a revised fuel clause in conformance with the standards of Opinion No. 633.

The Commission finds:

(1) With respect to the contracts of PSCI and the Cities of Crawfordsville, Peru, Washington, and Logansport, such contracts are fixed-rate within the terms of Mobile-Sierra[9] and PSCI's rate increase as to these cities is improperly filed under section 205. PSCI's filing does, however, constitute good cause to initiate an investigation pursuant to section 206 on the terms and conditions of these contracts. The 206 investigation should be consolidated with the section 205 proceeding ordered below.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a proceeding pursuant to Section 205, concerning the lawfulness of the rates and charges PSCI proposes in these dockets for customers other than those discussed above. These rates should be suspended as hereinafter ordered.

(3) Good cause exists to consolidate Docket Nos. E–8586 and E–8587 for the purposes of hearing and decision.

(4) Good cause exists to grant waiver of § 35.3 of the Commission's regulations.

(5) The participation of the above-named intervenors may be in the public interest; however, the participation of IMEA should be limited to those issues other than the antitrust allegations raised in the petition to intervene.

(6) The disposition of these proceedings should be expedited in accordance with the procedure set forth below.

(7) IMEA's and Municipal's motions to reject PSCI's filing should be denied.

The Commission orders:

(A) The proposed rate schedules filed by PSCI on January 8, 1974, in Docket Nos. E–8586 and E–8587 are accepted for filing subject to the conditions hereinafter specified.

(B) Docket Nos. E–8586 and E–8587 are consolidated for the purposes of hearing and decision.

(C) Pending hearing and a final decision thereon, the Company's proposed tariff sheets in Docket No. E–8587, as they would effect customers not having fixed rate-fixed term contracts, are hereby suspended for five months and the use thereof deferred until October 15, 1974, and the proposed tariff sheets in Docket No. E–8586 are hereby suspended for one day and the use thereof deferred until March 10, 1974, or until such time as any of the proposed tariff sheets are made effective in the manner prescribed in the Federal Power Act.

(D) As to those contracts which do not allow for unilateral changes in rates (FPC Rate Schedule Nos. 212, 215, 223 and 224), an investigation under section 206 of the Federal Power Act is hereby instituted to determine whether such rates are in the public interest and such investigation shall be joined with and made a part of the proceeding ordered herein.

(E) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, and the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on July 29, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the Company's Rate Schedules as proposed to be amended herein.

(F) On or before June 10, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of the intervening parties shall be served on or before June 26, 1974. Any rebuttal evidence by the Company shall be served on or before July 12, 1974.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The aforementioned intervenors are hereby granted permission to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and that the participation of IMEA is limited to issues raised in its petition other than the antitrust allegations; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) PSCI's request for waiver of the notice requirements of § 35.3 of the Commission's regulations is hereby granted.

(J) IMEA's and Municipal's motions to reject are denied.

(K) Within 30 days of the issuance of this order, PSCI shall file a revised fuel adjustment clause which is in conformance with the Commission's Opinion No. 633.

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

By the Commission.

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

[FR Doc.74–6017 Filed 3–14–74;8:45 am]

[Docket No. RP74–6, etc.]

SOUTHERN NATURAL GAS CO. ET AL.

Order Granting Temporary Extraordinary Relief, Consolidating Proceedings and Establishing Filing Date

MARCH 11, 1974.

On February 22, 1974, Amax Nickel Refining Company Inc. (Amax) filed a petition for extraordinary relief with the Commission. In that petition, Amax sought extraordinary relief from the Index of Requirements filed by Southern Natural Gas Company (Southern) in its proposed curtailment plan in Docket No. RP74–6.

Amax asserts that the above-mentioned Index of Requirements establishes requirements on the basis of historical takes, thus giving Amax 7 Mcf per day at its Port Nickel Refinery in Braith-

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[7] New England Power Company, Docket No. E–7541 48 FPC 899 (1972).

[8] These contracts are: Rate Schedule FPC No. 212 (Crawfordsville); Rate Schedule FPC No. 215 (Peru); Rate Schedule FPC No. 223 (Washington); and Rate Schedule FPC No. 224 (Logansport).

[9] United Gas Pipe Line v. Mobile Gas Service Corporation, 350 U.S. 344 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

waite, Louisiana. This is said to be unrepresentative of the true requirements of Amax because such facility has been non-operational since 1960 due to its source of nickel ore from Cuba being embargoed. Amax states it has recently established a source of nickel ore in Botswana and that the first shipment of that ore is currently in mid-shipment to the refinery. Amax said that it has spent over 40 million dollars in preparing the plant for operation and proposes to begin operations on April 1, 1974.

It is asserted in the above petition that 2,642 Mcf per day is the minimum requirement of the Port Nickel Refinery and that this is for feedstock and process gas use for which no alternate fuels are practicable. Amax requests that this figure be reflected in Southern's Index of Requirements in Priority Category 3 under Southern's Docket No. RP74–6 proposed curtailment plan. It is argued that the nickel as well as copper and ammonium sulfate fertilizer, which are secondary products of the refinery operations, which are produced in this plant are of vital importance to the national security and well-being and are thus worthy of special consideration.

On December 21, 1973, a Commission order was issued setting a hearing date and establishing procedures in the petition for extraordinary relief from Southern's proposed 467–B curtailment plan by Columbia Nitrogen Corporation (CNC) and Nipro, Inc. (Nipro) in Docket No. RP74–6, et al. That order was amended on February 15, 1974 by establishing March 19, 1974 as the new date for the submission of testimony and evidence and by setting April 1, 1974 as the new date for the commencement of a formal hearing in the matter. In the interest of expedition, the issues in Amax's petition for extraordinary relief should be dealt with in the same proceeding, since many of the same issues and parties will be involved in both matters. Consequently, these proceedings should be consolidated, although Amax should be granted a separate date for the filing of evidence because of the limited time remaining until the currently established date for submission.

It should be pointed out, however, that the proposed plan from which relief is sought has been stayed in its implementation by circuit court action and that, therefore, there will be no immediate consequences of either temporary or permanent relief under this plan. We read the instant petition as requesting no special relief under the currently operational proposed curtailment plan filed by Southern in Docket No. RP72–74. If such relief is required, Amax should so inform the Commission by a separate petition specifically requesting such relief.

The Commission finds:

(1) Good cause exists to consolidate the proceedings in Docket No. RP74–71–1 with the proceedings for extraordinary relief for CNC and Nipro in Docket No. RP74–6, et al. for purposes of hearing and decision.

(2) Good cause exists to grant the temporary relief requested by Amax pending final determination of the petition.

The Commission orders:

(A) The proceedings in Docket No. RP74–71–1 and the proceedings for extraordinary relief for CNC and Nipro in Docket No. RP74–6, et al. are hereby consolidated for purposes of hearing and decision.

(B) Temporary relief is hereby granted to Amax establishing its requirements as 2,642 Mcf per day in Priority Category 3 of Southern's Index of Requirements under its proposed 467–B curtailment plan pending ultimate determination of the issues. Such relief is without prejudice to the final determination herein and is subject to possible payback of all volumes taken under the relief herein granted.

(C) On or before March 26, 1974, Amax shall file its case-in-chief in support of its request for emergency relief and all other parties supporting this request shall also file such testimony and exhibits to support their positions with the Commission and shall serve same upon all other parties, including Commission Staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6020 Filed 3–14–74;8:45 am]

[Docket No. RP74–51]

SOUTHWEST GAS CORP.

Order Granting Interventions

MARCH 8, 1974.

By our order of January 30, 1974, in the above-referenced docket we accepted for filing and suspended for five months a proposed rate increase filed by Southwest Gas Corporation (Southwest) on December 27, 1973. Notice of Southwest's tendered filing was issued on January 11, 1974, with protests and petitions to intervene due on or before January 21, 1974.

A timely petition to intervene was tendered for filing by the Sierra Pacific Power Company (Sierra) on January 18, 1974. On January 23, 1974, an untimely petition to intervene was tendered for filing by the Public Utilities Commission of the State of California (California). Since we believe that it may be in the public interest, we shall grant these timely and untimely petitions to intervene.

The Commission finds: The participation of the above-named petitioners in these proceedings may be in the public interest.

The Commission orders:

(A) The above-named petitioners are hereby granted permission to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6022 Filed 3–14–74;8:45 am]

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

MARCH 7, 1974.

On February 12, 1970, Southern California Edison Company, Licensee for Big Creek No. 3 Project No. 120 located in the vicinity of Fresno, Kern, Madera, Los Angeles and Tulare Counties, California, on the San Joaquin River filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 20, 1970.

The License for Project No. 120 was issued effective June 8, 1922, for a period ending March 3, 1971. An annual license was issued from the original date of expiration until March 3, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 120.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under section 15 of the Federal Power Act for the period March 4, 1974, to March 3, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 3 Project No. 120, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6023 Filed 3–14–74;8:45 am]

[Docket No. CP74–210]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

MARCH 7, 1974.

Take notice that on February 20, 1974, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Mississippi River Transmission Corporation (Mississippi River), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74–210 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation

and exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange natural gas between themselves pursuant to an agreement dated August 22, 1973, under which natural gas by either party may be delivered to the receiving party at the following points:

1. The intersection of Texas Eastern's main pipeline and Mississippi River's main pipeline system near Bald Knob, Arkansas;

2. The tailgate of the plant where Texas Eastern and Mississippi River both receive gas produced in the Hico-Knowles and Dubach Field areas, Lincoln Parish, Louisiana;

3. The tailgate of the Sligo Field Gasoline Plant operated by Union Texas Petroleum, a Division of Allied Chemical Corporation, in Bossier Parish, Louisiana, where Texas Eastern and Mississippi River both receive gas; and

4. Other points along the pipeline systems of Texas Eastern and Mississippi River where both of them receive gas and at points of exchange with others.

Applicants state they do not contemplate regular or continuing deliveries through these exchange points but will exchange gas as the demands on their systems dictate. The aforesaid agreement provides that either concurrently or as soon as feasible following termination of any deliveries, the party which receives deliveries will tender a like quantity to the other. The agreement states that it supersedes and cancels an Exchange Letter Agreement between Applicants dated November 30, 1950.

Applicants state that no new or additional facilities are proposed to effectuate this exchange.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6021 Filed 3-14-74;8:45 am]

INTERIM COMPLIANCE PANEL

Coal Mine Health and Safety

M & C COAL CO., INC., ET AL.

Applications for Initial Permits

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. 4061-000, M & C COAL COMPANY, INC. Mine No. 1, Mine ID No. 46 01973 0, Northfork, West Virginia.

(2) ICP Docket No. 4074-000, D & R COAL COMPANY, Mine No. 2, Mine ID No. 46 03785 0, Panther, West Virginia.

(3) ICP Docket No. 4075-000, PANTHER CREEK COAL COMPANY, Mine No. 2, Mine ID No. 46 03784 0, Panther, West Virginia.

(4) ICP Docket No. 4089-000, BETTY COAL COMPANY, Mine No. 13-B, Mine ID No. 46 03459 0, Bradshaw, West Virginia.

(5) ICP Docket No. 4133-000, H. M. McGLOTHLIN COAL COMPANY, Mine No. D-424, Mine ID No. 46 03401 0, Isaban, West Virginia.

(6) ICP Docket No. 4134-000, R.J.F. COAL COMPANY, Mine No. D-406, Mine ID No 46 01953 0, Isaban, West Virginia.

(7) ICP Docket No. 4135-000, NORMA COAL COMPANY, Mine No. D-422, Mine ID No. 46 01954 0, Isaban, West Virginia.

(8) ICP Docket No. 4137-000, #10 COAL MINING CORPORATION, Mine No. 18, Mine ID No. 46 03447 0, Bradshaw, West Virginia.

(9) ICP Docket No. 4334-000, COLLINS COAL COMPANY, Mine No. 1, Mine ID No. 46 03788 0, Iaeger, West Virginia.

(10) ICP Docket No. 4335-000, SHERMAN COAL COMPANY, Mine No. 2, Mine ID No. 46 01721 0, Iaeger, West Virginia.

(11) ICP Docket No. 4336-000, DEBBIE COAL COMPANY, Mine No. 4, Mine ID No. 46 01703 0, Iaeger, West Virginia.

(12) ICP Docket No. 4343-000, AUTHOR COAL COMPANY, Mine No. 2, Mine ID No. 46 03382 0, Iaeger, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 11, 1974.

[FR Doc.74-5989 Filed 3-14-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[74-17]

AEROSPACE SAFETY ADVISORY PANEL

Notice of Meeting

The Aerospace Safety Advisory Panel will meet March 20, 1974, at NASA headquarters, room 7002, capacity—60, 400 Maryland Avenue, SW, Washington, D.C.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate and advise on those program management policies, management systems, procedures and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The chairman of the Panel is Mr. Howard K. Nason. The other members are: Dr. Harold M. Agnew, Hon. Frank C. Di Luzio, Mr. Herbert E. Grier, Lt. Gen. Warren D. Johnson, USAF, Dr. Henry Reining, Jr., Dr. Ian M. Ross, and Mr. Lee R. Scherer.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue, SW, Washington, D.C. 20546 (Phone: Area Code 202 755-8436).

The Panel will convene at 10:30 a.m. to discuss with the Administrator and Deputy Administrator a summary of its fact-finding activities and the resultant conclusions and recommendations on the Skylab Apollo-Soyuz, and Shuttle programs. At that time the Panel will present its annual written report to the Administrator and Deputy Administrator for further detailed consideration. The Administrator and Deputy Administrator will then discuss with the Panel its future tasks. The meeting will continue as long as necessary to accomplish its purpose.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 11, 1974.

[FR Doc.74-6057 Filed 3-14-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

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 March 12, 1974 (44 USC 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 frequeney 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

COST OF LIVING COUNCIL

Monitoring Record for Medical Practitioner and Medical Laboratories, Form CLC 81, Occasional, Hulett, Physicians, dentists, and other medical, practitioners/laboratories.

Annual Report for Acute Care Hospitals, Form CLC 61, Annual, Hulett, Acute care hospitals.

Annual Reporting Form for Long Term Care Institutions, Form CLC 71, *Annual*, Hulett, Nursing homes and other long-term care institutions.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

Effective Teacher Education Program (Work Unit 4) 8, Student Tests/Questionnaires, Form NIE 3-38, Occasional, HRD/Planchon, Sixth Grade students.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Departmental

Schedule of Salaries and/or Wages—Cost Reimbursement Contracts, Form AD 268, Monthly, Evinger, Research and service contract holders.

Claim for Payment under Cost Reimbursement, Form AD 267, Monthly, Evinger, Research and service contract holders.

Construction Inventory (for Labor and Ma-254 a, b, and c, Occasional, Evinger, REA a, b, and c, Occasional, Evinger, REA electric borrowers.

DEPARTMENT OF DEFENSE

Defense Supply Agency

Facility Security Clearance Survey, Form DD 374, Occasional, Evinger (x).

Certificate Pertaining to Foreign Affiliation, Form DD 441s, Occasional, Evinger (x).

Department of Defense Industrial Plant Equipment Requisition, Form DD 1419, Occasional, Evinger (x).

DEPARTMENT OF STATE

Retail Price Schedule, Form DSP 23, DSP-23 W, Annual, Raynsford, Retail Sales outlets outside U.S.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-6146 Filed 3-14-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-3198]

EPOCH CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MARCH 7, 1974.

I. Epoch Corporation ("Epoch" or "Issuer") 525 Newhouse Building, Salt Lake City, Utah 84111 (current name Osterloh Durham Insurance Brokers of North America, Inc., Los Angeles, California, is a Utah corporation formerly located at 525 Newhouse Building, Salt Lake City, Utah, and is presently located at 1247 South LaBrea, Los Angeles, California 90019. It was organized on February 9, 1972 to engage in the business of acquiring income-producing real estate properties, undeveloped real estate properties and business operations.

On March 24, 1972 Epoch file a notification pursuant to Regulation A in connection with a proposed public offering of 500,000 shares of its $.01 par value common stock at $.20 per share. The "25%-or-none" best efforts underwriting commenced on July 28, 1972. The offering was purportedly terminated on October 27, 1972.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular filed by the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the following respects:

1. The plan of distribution;

2. The failure to disclose the participation of Stanford L. Hale in the offering as an underwriter; and,

3. The use of proceeds.

B. The terms and conditions of regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the regulation A offering;

2. The offering circular failed to accurately state the terms of the offering and the fact that the securities would be placed in nominee accounts.

3. The offering circular failed to list Stanford L. Hale as an underwriter;

4. The offering circular failed to disclose that a substantial part of the proceeds of the offering would be used to extend a loan; and,

5. No filing of an advertisement placed in a newspaper was made as required by rule 258(a).

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest for the protection of investors that the exemption of Epoch Corporation under regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-5995 Filed 3-14-74;8:45 am]

[70-5467]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

MARCH 7, 1974.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, 350,000 additional shares of its Cumulative Preferred Stock, _____ percent Series F (the "New Preferred Stock"). The terms of the New Preferred Stock preclude Jersey Central from redeeming any New Preferred Stock prior to May 1, 1979, if such redemption is for the purpose of refunding such New Preferred Stock with proceeds of funds borrowed at a lower effective interest cost. The price (which will not be less than $100 nor more than $102.75 per share exclusive of accrued dividends) and the dividend rate (which will be a multiple of 1/20 of 1 percent) will be determined by competitive bidding.

During 1974, the company will require an aggregate of approximately $200,000,000 for its construction program, and approximately $3,000,000 for sinking fund purposes. The proceeds from this offering ($35,000,000 exclusive of premium and accrued dividends, if any) together with an expected cash capital contribution of $35,000,000 from the company's parent, GPU, internally generated cash of approximately $40,000,000 and the proceeds from the sale of first mortgage bonds, debentures and preferred stock (to the extent that the company is able to issue and sell such securities) plus, on an interim basis, the proceeds of bank borrowings, will be applied to these purposes.

The fees and expenses to be incurred by Jersey Central in connection with the issue and sale of the New Preferred Stock are estimated to total $115,000, including legal fees of $24,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of New Preferred Stock by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 1, 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 such 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. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-5996 Filed 3-14-74;8:45 am]

[File No. 81-20]

MENOMINEE ENTERPRISES, INC., ET AL.

Notice of Application and Opportunity for Hearing

MARCH 6, 1974.

Notice is hereby given that Menominee Enterprises, Inc. ("Enterprises") and the Trustees of the Menominee Common Stock and Voting Trust ("Trustees") have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, ("the Act") that Enterprises and the Trustees be exempted from the provisions of sections 12(g), 13, 14, and 16 of the Act until 60 days prior to the date that the certificates of beneficial interest ("trust certificates") become alienable. Such an exemption would extend the exemption initially ordered by the Commission on May 26, 1965.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 12(h) of the Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 13 and 14 and any officer, director or benfiecial owner of 12(g) registered securities of any issuer from the insider trading provisions of Section 16 of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Section 13 of the Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitation.

Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

The Application of Enterprises and the Trustees states, in part:

1. Enterprises is a Wisconsin corporation formed in February, 1961, to receive from the United States government and to operate extensive forest and other tribal properties pursuant to the Plan for the Future Control of Menominee Indian Tribal Property and Future Service Functions (the "Termination Plan") as negotiated between the Menominee Indian Tribe of Wisconsin ("Tribe"), federal Congressional committees, the Department of the Interior and its Bureau of Indian Affairs, and the Attorney General, Legislative Council and other public officers and agencies of the State of Wisconsin, in order to carry out the Congressional policy of termination of federal supervision over the property and members of the Tribe in accord with Public Law 399-83rd Congress.

2. The properties of Enterprises consist of the tribal lands and property held in trust by the government of the United States at April 30, 1961, the date of termination of federal supervision. In area this was approximately 365 square miles of land formerly known as the Menominee Indian Reservation and now constituting Menominee County of the State of Wisconsin. The land is principally forest land and the economy of the area is principally forestry. The properties also include a saw mill operated for many years by the Tribe under federal supervision. Enterprises was formed to assure conformity with the purpose that the valuable timber assets would be operated as a whole on the sustained-yield basis and thereby contribute as much as possible to employment and economic and living conditions in the area. This could not have been possible if the lands and assets had been fragmented by conveyance and distribution directly to tribal members.

3. Pursuant to the Termination Plan, the rights of tribal members in Enterprises were evidenced initially by $9,538,346.06 of 4 percent Income Bonds due December 1, 2000, and 327,000 shares of common stock, $1 par value per share, which represent the only securities which it has had or expects to have outstanding. All 327,000 shares of the common stock were issued by Enterprises in 1961 directly to the Trustees elected by the Tribe. The Trustees in turn then issued trust certificates to the 3,270 members of the Tribe (1954 Tribal Rule) or their heirs.

4. The board of directors of Enterprises consists of 12 persons all of whom are currently Tribal members. They are elected by the Trustees as holders of all outstanding common stock. The 11 Trustees, all of whom are currently Tribal members, are elected for 3 year terms at annual meetings of holders of the trust certificates, with vacancies being filled by the remaining Trustees.

5. On December 1, 1973, the trust agreement, which had previously pro-

vided that the trust certificates could not be transferred prior to January 1, 1974, was amended to provide that the trust certificates could not be transferred until January 1, 1976. The beneficaries of trust certificates representing a majority of the shares of stock held by the Trustees have consented in writing to such amendment. Furthermore, the extension of restrictions on alienability have been authorized by Chapter 71, Laws of 1973, amending § 710.05, Wisconsin Statutes. In addition, the subject extension was approved by the Commissioner of Securities of the State of Wisconsin on December 28, 1973.

6. Enterprises and the Trustees furnish full information on its business operations to holders of the trust certificates by transmitting an annual report to them. This information is also fully available to the numerous public bodies of the State of Wisconsin who have concern with the success of Enterprises. The financial and business affairs of Enterprises are under continuous and close scrutiny by interested public authorities in Wisconsin.

7. Enterprises and the Trustees have waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission at 500 North Capitol Street, NW, Washington, D.C. 20549.

Notice is further given that any interested person not later than April 1, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-5997 Filed 3-14-74;8:45 am]

[70-5366]

MIDDLE SOUTH UTILITIES, INC.

Proposed Post-Effective Amendment Regarding Increase in Amount of Authorized Bank Borrowings

MARCH 7, 1974.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), Two Eighty Park Avenue, New York, New York 10017, a registered holding company, has filed a third post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, as amended, for a complete statement of the proposed transaction.

By order dated August 24, 1973 (HCAR No. 18065), the Commission authorized Middle South to, among other things, issue and sell its unsecured promissory notes in an aggregate amount not to exceed $30,000,000 outstanding at any one time under a $135,000,000 revolving credit agreement ("Credit Agreement") with a group of 7 commercial banks headed by Manufacturers Hanover Trust Company of New York ("Banks"). The aggregate maximum amount of authorized borrowings was established at $73,700,000, by post-effective amendments numbers 1 and 2 to the declaration (HCAR Nos. 18178 and 18214, respectively). Middle South now proposes to increase the amount of authorized borrowings from the Banks from $73,700,000 to $83,700,000. The proportions in which the borrowing will be made, the interest rate, the maturity date, the form of note and all other terms and conditions of the borrowing will be the same as those terms and conditions set forth in the Credit Agreement and the original filing herein, heretofore described and authorized in the Commission order dated August 24, 1973.

The proceeds of the borrowing, together with treasury funds, will be utilized to purchase 435,000 shares of common stock, without nominal or par value, of Mississippi Power & Light Company, a wholly-owned electric utility subsidiary company of Middle South, for an aggregate of $10,005,000 in cash. Such purchase is the subject of a pending joint Application-Declaration filed concurrently by Mississippi Power & Light Company and Middle South (File No. 70-5466).

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. No special fees or expenses are anticipated in connection with the transaction proposed herein.

Notice is further given that any interested person may, not later than April 2, 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 post-effective amendment to the previously amended declaration 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. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the amended declaration, as amended by this post-effective amendment, or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-5998 Filed 3-14-74;8:45 am]

[70-5468]

MIDDLE SOUTH UTILITIES, INC.

Proposal To Amend Certificate of Incorporation To Increase Authorized Common Stock and Solicitation of Shareholder Consent in Connection Therewith

MARCH 6, 1974.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, New York 10017 a registered holding company, has filed a declaration, and an amendment thereto, with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and rule 62 promulgated thereunder as applicable to the following proposed transactions.

Middle South is presently authorized by its Certificate of Incorporation ("Charter") to issue 50 million shares of common stock, par value $5 per share. There are currently 44,279,481 shares of the common stock outstanding.

The amended declaration states that Middle South issued and sold 4 million shares of its common stock during 1973 in order to repay short-term borrowings incurred to provide Middle South System operating companies ("Operating Companies") with funds to finance their construction programs. The declarant further states that the need for additional common stock capital from Middle South by the Operating Companies for such purpose is expected to increase in the years to come. Middle South currently contemplates that such requirements in 1974 may cause it to sell common stock in excess of the present limits on authorized shares contained in the Charter. Accordingly, Middle South proposes to amend its Charter to increase authorized common stock from 50 million to 100 million shares. The sale of any additional shares of such common stock will be the subject of appropriate filings with this Commission.

The adoption of the proposed Charter amendment, which will be submitted to the holders of the currently outstanding common stock by the Board of Directors

of Middle South at its annual meeting to be held on May 17, 1974, will require the affirmative vote of at least two-thirds of such stock. In connection therewith, Middle South has filed the appropriate proxy solicitation materials pursuant to Rule 62.

It is stated that the fees, commissions and expenses incurred or to be incurred in connection with the proposed transactions will aggregate $115,652.50, which includes a fee of $100,652.50 to be paid to the State of Florida upon filing of the Charter amendment. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 1, 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 amended declaration 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. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-5999 Filed 3-14-74;8:45 am]

[File No. 24SF-3706]

ROYAL AIRLINE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 7, 1974.

I. Royal Airline, Inc. ("Royal"), Suite A-204 5441 Paradise Road Las Vegas, Nevada 89109 incorporated in the State of Nevada on March 13, 1970, filed with the Commission a Notification on Form 1-A and an Offering Circular on April 19, 1971 concerning an offering of 500,000 shares of its common stock at $1 per share for an aggregate offering price of $500,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of Section 3(b) thereof and Regulation A thereunder. McCoig Securities, Inc. ("McCoig"), a registered broker-dealer having its principal place of business in Las Vegas, Nevada, was named as underwriter of the proposed offering.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Offering Circular, as amended, contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in that:

1. The Offering Circular failed to identify Messrs. John Worthen, Curt Wilken, Gerard F. Lewis and Contemporary Securities Corporation as underwriters of the offering;

2. The Offering Circular failed to disclose that during the public offering a merger was negotiated between the Duesenberg Corporation and Royal; and,

3. The Offering Circular failed to accurately disclose the plan of distribution and the offering price of the securities.

B. The terms and conditions of regulation A have not been complied with in that:

1. The Form 2-A falsely stated the number of shares that had been sold by Royal through its underwriter McCoig;

2. The Form 2-A falsely stated the aggregate proceeds that had been received by Royal from the public offering pursuant to Regulation A;

3. The Form 2-A falsely stated that the public offering of Royal had ended as of August 4, 1972, when in fact the offering continued for an indeterminate period thereafter; and,

4. The Offering Circular and the Form 2-A failed to identify Messrs. John Worthen, Curt Wilken, Gerard F. Lewis and Contemporary Securities Corporation as underwriters of the offering.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6000 Filed 3-14-74;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

MARCH 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 8, 1974 through March 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6001 Filed 3-14-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

MARCH 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 8, 1974 through March 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6002 Filed 3-14-74;8:45 am]

CONSOLIDATED TAPE PLAN

Commission Letter of Comment

The Commission has announced that it has sent a letter of comment to the sponsors of the consolidated tape plan jointly filed by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the NASD on March 2, 1973 (the "Plan"),[1] pursuant to Rule 17a–15 (17 CFR 240.17a–15) under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges.

The text of the letter follows:

American Stock Exchange, Inc., Midwest Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., PBW Stock Exchange, Inc.

DEAR SIRS: This is in further response to the composite tape plan jointly filed by you with the Commission on March 2, 1973 (the "Joint Plan" or the "Plan"), pursuant to Securities Exchange Act Rule 17a–15.

As you are aware, the Commission adopted Rule 17a–15 pursuant to its broad authority under the Securities Exchange Act of 1934, including, but not limited to, Sections 10, 15, 17 and 23 of that Act. The Rule is designed to effectuate the implementation of a nationwide disclosure or market information system to make universally available prices and volume in all markets for listed securities. In order to accomplish this goal, the various exchanges and the NASD were asked to file a plan which would provide for the reporting of prices and volume of completed transactions in listed securities. The Joint Plan to which each of you is a signatory was filed with us on March 2, 1973. In order to assure full public participation in the development of a composite tape, the Joint Plan filed was noticed for public comment.[1a] The Commission then prepared its own comments on the Plan as originally submitted, which were contained in a letter to you, dated June 13, 1973; this letter also was the subject of public comments and comments from each of you.[2]

The Commission has reviewed the Joint Plan and all comment letters received in response to the request for comments thereon, as well as the responses of the Plan sponsors to and public comments on the Commission's letter of comments to the Plan's sponsors of June 13, 1973 (the "letter of comments"). Having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, the Commission believes that it is necessary and appropriate that you modify the Plan and the amendments thereto in accordance with the changes described below (the Plan, as so amended and modified, being hereinafter referred to as the "Revised Plan"). Thus, the Commission requests that you jointly refile the Revised Plan no later than March 29, 1974.

Amendments to the Plan. In its letter of comments, the Commission noted that implicit in the Commission's authority to pass upon the terms of a Rule 17a–15 plan necessarily would be the rights not only to approve subsequent proposed changes therein but also to initiate such changes. Although, for the reasons outlined in its letter of comments, the Commission reaffirms that position, it nevertheless has determined not to require inclusion in the Plan of its proposed additional language with respect to amendments and thus not to object to the language concerning amendments contained in the Plan as originally filed.

The Commission has made this determination in view of the fact that paragraph (a) of Rule 17a–15, relating to the Commission's authority to declare a plan effective, clearly contemplated the Commission's right to review and pass upon the effectiveness of any amendments submitted subsequent to the Plan's being declared effective as well as those submitted prior to its effectiveness. In addition, since the Commission can amend the Rule whenever it appears necessary or desirable to do so, subject to the requirements of the Administrative Procedure Act, to impose additional requirements upon a sponsor of a plan, require additional procedures for reporting transactions or require a different format for the reports themselves, it follows that the Commission inherently has the authority to amend the Plan on its own initiative (of course affording the Plan sponsors and the public an opportunity for comment). Furthermore, under various provisions of the Securities Exchange Act the Commission can require an entity reporting trades in listed securities to change its rules or practices so as, in substance, to effect an amendment to the Plan. Thus, the Commission feels that it is not necessary for the language it suggested in its letter of comments to be incorporated within the Plan itself.

Evaluation of Performance by Processor. Although, as noted in the Commission's letter of comments, the Commission believes that an effective program to monitor the processor's performance might well require that reviews thereof occur annually (both the initial and all subsequent reviews), it is sympathetic to the concern expressed by many that such reviews might impose a significant burden upon the CTA in terms of time and money. The Commission is reluctant to impose such a burden upon the CTA unless some inadequacies have been indicated. The change in Section IV set forth below is consistent with this point of view.

In addition, the Commission continues to believe that its oversight authority requires the submission to it of any report prepared by the CTA, including minority views, reviewing and evaluating the processor's performance. The Commission, however, recognizes the concern expressed that 30 days for the completion of such a review may not be adequate.

In view of the foregoing, subsection (d) of Section IV should be deleted and the following subsections (redesignating existing subsection (e) as (g)) should be added to read as follows:

(d) The contracts between SIAC and the Participants shall be for an initial term of five years after full implementation of the consolidated tape (Phase II as described in Section V(f) hereof); provided that, if CTA shall determine that SIAC has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of the Plan or that its reimbursable expenses have become excessive and are not justified on a cost basis, then each such contract shall be terminated at such time as may be determined by CTA. In the event of any such determination by CTA, any contract between SIAC and any other reporting party providing for such reporting party to furnish its last sale information to SIAC for inclusion on the consolidated tape also shall terminate at the same time. During the second year from the date of commencement of Phase II, and thereafter from time to time during such initial five-year term upon the request of any two Participants (but not more frequently than once each year), CTA shall undertake a review of the questions of whether SIAC has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of the Plan and whether its reimbursable expenses have become excessive and are not justified on a cost basis.

(e) During the fifth year from the date of commencement of Phase II, CTA shall undertake a review of the question of whether SIAC should continue as the Processor or should be replaced, at or after the expiration of such fifth year. In making such review, consideration shall be given to such factors as experience, technological capability, quality and reliability of service, relative costs, back-up facilities and regulatory considerations. After the expiration of the five-year period from the date of commencement of Phase II, CTA shall periodically (at least every two years, or from time to time upon the request of any two Participants but not more frequently than once each year) undertake a similar review as to whether the organization then acting as the Processor should be continued in such capacity or should be replaced. Replacement of SIAC as the Processor, other than for cause as provided in the first sentence of Section IV(d), shall require an amendment to the Plan adopted and filed as provided in Section III(b) hereof.

(f) Within 90 days after the commencement of any review by CTA of the Processor's performance, CTA shall file with the SEC a copy of a report prepared by it, including any minority views, evaluating such performance and setting forth its recommendations with respect thereto. In addition, the SEC shall be notified immediately upon the commencement of any such review.

Contracts with Processor. In order to prevent frustration of the contractual expectations of any person or entity which enters into an agreement with respect to the tape, a new subsection (h) should be added to Section IV to read as follows:

(h) The Processor's contracts and agreements with Participants and other reporting parties shall by their terms be subject at all times to applicable provisions of the Securities Exchange Act of 1934, as amended, and the rules and regulations thereunder.

In addition, a new subsection (f) should be added to Section VIII (redesignating existing subsection (f) as (g)) to read as follows:

(f) All agreements entered into by and between Participants, Vendors and subscribers with respect to the consolidated tape shall by their terms be subject at all times to applicable provisions of the Securities Exchange Act of 1934, as amended, and the rules and regulations thereunder.

High-Speed Transmission. The Commission has not been convinced of the need or justification for delaying availability of the data utilized by interrogation devices solely because the tape may be running late. It is difficult to see how considerations relating to the relative marketability of tickers and interrogation devices could outweigh the interest of investors—who do not have direct access to exchange floors—in obtaining reports of trades as promptly as they can be provided. Accordingly, the Commission has determined that the Plan should be amended to reflect the suggestions contained in its letter of comments. The second paragraph of Section V(e) (at the top of page 19) should be deleted and a new paragraph should be inserted in its place to read as follows:

The Processor also shall make available to the Vendors referred to in Section VIII consolidated last sale prices by means of a high

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[1] The Plan was originally published in the FEDERAL REGISTER at 38 FR 6443.

[1a] Securities Exchange Act Release No. 10026 (March 5, 1973).

[2] Securities Exchange Act Release No. 10218 (June 13, 1973).

speed line permitting them to receive this information on a current basis, regardless of any delay in the dissemination of this information over Network A or Network B, for the purpose of servicing approved interrogation devices (as that term is defined in Section VIII), located in the offices of approved subscribers, and not for the purpose of furnishing a ticker display.

Eligibility Criteria. In the Commission's letter of comments it stated that the limitation of eligible securities to those listed on a *principal* national securities exchange is inappropriate because, in its view, eligibility criteria should be based on the characteristics of individual securities rather than on the exchanges on which they are listed.[3] The Commission also noted, however, that the present character of the existing nationally distributed tapes would be altered considerably if the Plan's proposed eligibility standards were not raised, at least for the initial stages of the tape's operation. The Commission's suggested changes in the Plan were intended to balance these two considerations. In large part because of generally depressed market prices, however, it now appears that the effect of the Commission's suggested eligibility criteria would be the elimination from initial eligibility for inclusion on the consolidated tape of a substantial number of American Stock Exchange ("Amex") issues, and possibly a number of New York Stock Exchange ("NYSE") issues as well. This result could be unfair to these exchanges and certain issuers, as well as investors, and was not intended. The Commission also believes that as a general matter the CTA should be permitted some flexibility in applying the eligibility criteria.

The Commission, therefore, has determined to follow the recommendations it outlined in its letter of comments, but with the addition of language to permit all securities which substantially meet the NYSE's or Amex's listing standards to be included on the consolidated tape, and to permit the exercise of discretion in admitting new issues and removing issues from eligibility. Furthermore, the Commission has reconsidered the standards for loss of eligibility contained in Section IV(d) of the Plan and has determined that such standards also should be consistent with those of the NYSE and the Amex. Accordingly, Section VI of the Plan should be deleted and a new Section VI should be inserted in its place to read as follows:

VI. *Eligible Securities.* (a) For the purposes of the Plan, Eligible Securities shall mean:

(1) Any common stock or warrant registered or admitted to unlisted trading privileges on any national securities exchange which substantially meets the listing requirements of the NYSE or Amex for such securities, as they may be amended from time to time.

(2) Any right admitted to trading on a national securities exchange which entitles the holder thereof to purchase or acquire a share or shares of an Eligible Security, provided that both the right and the Eligible Security to which it relates are admitted to trading on the same national securities exchange.

(b) [A proposed amendment to this subsection has been filed with the Commission and is discussed at page 17 of this letter.]

(c) A security shall cease to be an Eligible Security whenever, in the case either of a common stock; warrant or preferred stock: (A) such security would be eligible for delisting under the delisting standards of the NYSE and the Amex; or (B) such security has been suspended from trading on any national securities exchange because the issuer thereof is in liquidation or is in bankruptcy or similar type proceedings; or (C) during the immediately preceding twelve month period less than 25% of the transactions in that security have been executed on national securities exchanges (in the aggregate), provided, however, that this standard shall not apply to Eligible Securities which have been listed for less than twelve months; or (D) such security is no longer registered or admitted to trading on any national securities exchange.

If CTA shall have determined that any security has ceased to be an Eligible Security, such security shall be excluded until CTA is satisfied that it meets the above requirements for inclusion as an Eligible Security; provided, however, that CTA, in its discretion, may determine that any such security should not be so excluded if it finds that such a determination would be in the public interest. In making such a determination, CTA shall take into consideration the fact that the delisting or striking from trading of securities on national securities exchanges involves a substantial element of judgment on the part of exchange officials and that a similar judgment should be applied in determining whether a security should be excluded from the consolidated tape.

(d) Each national securities exchange shall, promptly following commencement of Phase I, furnish CTA with appropriate data concerning all securities traded on such exchange which are believed to meet the above requirements for inclusion on the consolidated tape as Eligible Securities. Thereafter, each national securities exchange shall furnish CTA with data concerning securities listed on such exchange which are to be included in the future as Eligible Securities on the consolidated tape. Each national securities exchange may from time to time be required by CTA to furnish it with data concerning Eligible Securities traded on such exchange to determine whether or not such securities continue to meet the requirements for inclusion as Eligible Securities on the consolidated tape.

If CTA shall question whether or not any security meets the requirements for inclusion on the consolidated tape as an Eligible Security, such security shall not be so included until CTA is satisfied that it meets the above requirements for Eligible Securities.

Limitations on Retransmission. In not objecting to the Plan's limitations on retransmission, the Commission recognized that the principal effect of this provision would be to maintain in the self-regulatory bodies (through the CTA) the control that the primary exchanges currently exercise over their own ticker distribution networks. Independent vendors would be able to engage in the distribution of last sale data via monitoring or interrogation devices and to market equipment for the display of data via a ticker; however they would not be permitted to distribute a continuous stream of data for ticker display purposes. This function would remain the sole prerogative of the CTA.

If this limitation on retransmission were not imposed, the various vendors would be free to provide ticker services. Ticker services provided by independent vendors most likely would take on characteristics different from those of services currently available through the exchanges. For example, since 1968, the NYSE and Amex tapes have been priced on a geographically uniform basis; that is, subscribers pay the same charges for the service regardless of where they are located. This structure of charges is consistent with the exchanges' interest in ensuring broad exposure to their markets. Competing and independent vendors would not necessarily continue this practice. It is possible that these vendors would find it more profitable to concentrate their efforts in high-volume metropolitan centers and either discontinue service to more remote areas or charge a fee more commensurate with the costs involved in providing such service. In either event, they probably would be able to offer ticker service in high volume areas at a rate substantially lower than that available from the CTA, which necessarily must build into its charge a subsidy to cover the costs of serving more remote areas. If only the CTA continued to service more remote areas it probably would have to increase its fees due to the loss of compensating high-volume business. It might then become prohibitively expensive or impossible to obtain ticker information in less populous regions.

In addition, some have questioned the reliability of the service that would be furnished by independent vendors. Currently the exchanges provide extensive back-up systems for their tapes to ensure these tapes will continue to run even if there is a breakdown in the primary system. It is not clear that the interest of the independent vendors in uninterrupted service would be sufficiently great to justify the expense involved in developing such a back-up capability.

Finally, the Commission must consider the matter of regulation. At present, the NYSE and Amex tapes are under the direct control of the respective exchanges and, as exchange facilities, are directly subject to Commission oversight. Although legislation has been introduced in Congress which could give the Commission direct regulatory authority over certain "securities information processors," such as vendors, it does not now exercise such direct authority, and arguments concerning its authority to do so may be raised. Such authority could be particularly important because the principal obligation of the independent vendors is to serve the interests of their shareholders rather than to promote fair and orderly markets and to protect investors.

The Commission has given careful consideration to the potential benefits which might arise from allowing independent vendors to compete with the CTA in providing ticker distribution services. The results that usually are expected to flow from active competition are decreased costs and the development of a greater quality and wider range of services. For example, the various vendors might be expected to offer ticker service to certain subscribers at a lower rate than the CTA would have to charge. As noted above, however, this discount could be at the expense of other subscribers located in more remote areas. In our judgment the importance of widespread availability of ticker services at a reasonable price is more important to the public interest than selective price-cutting.

In the area of improved services, the limitation on retransmission would not seem substantially to hamper competitive efforts. The vendors would still be free to develop new and better interrogation and monitoring devices and to continue to upgrade the variety of software packages available in conjunction with this type of service. Even in the market for ticker services alone, there is no restriction on the competitive marketing of various kinds of devices which may be used to display the ticker nor on the various ways of presenting it, such as selective tickers. It is only the actual distribution of

[3] The same reasoning also is applicable, of course, to the references to "principal" national securities exchanges contained in the amendments to Section VI which were filed with the Commission in May 1973 (discussed in a subsequent section of this letter).

the data stream which would be reserved to the CTA. Thus, competition would appear able to flourish in a number of ways, consistent with the need to maintain a reliable, widely-available, well-regulated ticker network.

In view of these circumstances, the Commission believes that the limitation on retransmission in the Plan should be retained. However, in suggesting, in its letter of comments, a modification of the prohibition on real time retransmission contained in Sections VIII (a) and (b) (so as not to preclude retransmission for "monitoring" services, to satellite computers for interrogation purposes and for other valid uses), the Commission did not intend substantially to alter the present practices of self-regulatory organizations of approving interrogation and certain "monitoring" devices which reflect on a real time basis last sale prices in listed securities. Such approval authority is provided for the CTA in Section VIII(c) of the Plan and should permit the prohibition of any device which is capable of performing the same function as a moving ticker.[4] Language which would give effect to the foregoing is contained in the suggested revision of Sections VIII (a) and (b) set forth at pages 15 and 16 of this letter.

Market Identification. Although the Commission believes that it is the responsibility of the Commission to interpret the market identification requirement of Rule 17a–15, there is no reason why the CTA should not determine initially whether particular interrogation equipment is able to provide market identification in compliance with Rule 17a–15 (as the Plan presently provides in Section VIII(c)),[4] subject to a right of appeal to the Commission, and subject to any exemptions from the requirement the Commission may grant from time to time and any statements, guidelines or interpretations with respect to the requirement the Commission may issue from time to time, after consultation with the CTA. It would appear necessary, however, that the language in subsection (f) of Section VIII be modified to give effect to the Commission's interpretation regarding the capabilities which interrogation devices should possess, which was published in Securities Exchange Act Release No. 10388 (September 12, 1973).

Inasmuch as Rule 17a–15 requires broker-dealers who are not members of any exchange or the NASD to report their trades in listed securities, a distinctive designation should be provided for such trades. Accordingly, subsection (e) of Section V on page 18 should be amended by adding, before the period in the fourth line from the bottom of the page, the words:

to a revision of Section VIII(c) clarifying that the CTA is authorized to approve the functions of interrogation equipment.

Provided, however, That all last sale prices collected by the NASD and reported to the Processor shall, when disseminated by the Processor, be accompanied by a distinctive alphabetic symbol distinguishing such last sale prices from those reported by any exchange or other reporting party, and all last sale prices reported by brokers or dealers required to file a Plan with the SEC pursuant to Rule 17a–15 shall, when disseminated by the Processor, be accompanied by a distinctive alphabetic symbol distinguishing such last sale prices from those reported by the NASD or any exchange.

Finally, the Rule requires that plans submitted pursuant thereto shall provide that every vendor who receives any information reported pursuant thereto must agree to make available to its subscribers reports of prices and volume of all completed transactions ("last sale reports" from all reporting markets in any listed security reported on by such vendor, that any person displaying last sale reports shall agree not to exclude such reports based upon the market in which a transaction was executed and that any public display of selected last sale reports be clearly identified as only reporting selected transactions classified as to size, category of security or other criteria. Inasmuch as the Plan does not contain provisions specifically requiring the above, a new subsection (h) should be added to Section VIII of the Plan to read as follows:

(h) Every Vendor who receives any last sale prices reported pursuant to this Section VIII must agree to make available to its subscribers such last sale prices from all reporting markets in any listed security reported on by such Vendor. Every Vendor furnishing such last sale prices and its subscribers shall agree not to exclude any such prices based upon the market in which a transaction was executed, and any public display of selected last sale prices must be clearly identified as only reporting selected transactions classified as to size, category of security or other criteria.

Trading Halts and Suspensions. As noted in the Commission's letter of comments, the effective coordination of the regulation of trading activity in multiple markets would require no less than that if any Participant halts or suspends trading in a security for regulatory reasons it should be required promptly to notify SIAC, the Commission and each of the other Participants which trades that security. In addition, in order to ensure fair and effective coordination in such cases, and to avoid placing one market in a position to control the reporting of another market, the Commission suggested that the Processor continue to include on the consolidated tape last sale prices in such a security received from other Participants or other reporting parties until the Commission itself acts to suspend or halt trading in that security. However, the Commission has determined not to object to the language of Section X(a) as originally filed, subject to its being modified to permit the Commission to review and to supersede any exclusion of reports of transactions in Eligible Securities. Furthermore, recognizing the concern expressed that it might be unable to move with sufficient speed to halt or suspend trading in a coordinated manner, once the consolidated tape is in operation, the Commission will adopt whatever procedures are required to enable it effectively and expeditiously to review, in appropriate cases, any exclusion of reports of transactions in Eligible Securities.

To reflect the changes requested by the Commission, subsection (a) of Section X should be modified by adding after the word "thereof" in line 7 of page 36:

Provided, however, That during the period of any such halt or suspension of trading, the SEC may determine that such exclusion of reports from the consolidated tape is no longer necessary for the maintenance of fair and orderly markets, the public interest or the protection of investors, and, upon being notified by the SEC of such determination, the Processor shall commence including on the consolidated tape reports of last sale prices which continue to be reported to it during the period of such halt or suspension.

Hours of Operation. The Commission continues to believe in the importance of disclosing promptly as many trades in Eligible Securities as feasible and therefore has determined that the consolidated tape should operate as long as a national securities exchange is open.[5] This determination is not intended to suggest or require that any exchange maintain trading hours other than at times of its own choosing. Existing subsection (b) of Section X should be revised to reflect this determination. In addition, we have no objection to the addition to the Plan of language designed to permit an equitable allocation of the expenses of the consolidated tape among those exchanges which are open during periods when other exchange Participants are closed.

Furthermore, it appears that some procedure should be provided whereby the consolidated tape would be activated prior to the opening of any exchange so that all trades which took place subsequent to the prior day's close of the tape, and before the opening of the exchanges, would be reported in proper sequence.

Withdrawal Procedures. As noted in the Commission's letter of comments, parties other than the Plan's Participants undoubtedly will act in reliance on the provisions of the Plan (and in fact may have done so already). To prevent undue hardship, and to prevent the frustration of the purposes of Rule 17a–15, withdrawal from the Plan should be permitted only at such time as the withdrawing Participant has filed with the Commission an acceptable Rule 17a–15 plan of its own. Accordingly, the following language should be inserted after the word "Participant" in the first line of Section XIII and after the word "or" in the second line of the same section: "after filing with the SEC its own plan, which plan has been declared effective by the Commission pursuant to Rule 17a–15." Finally, the phrase "in the manner described in Section XIII" should be added following "CTA", but before the comma, in the sixth line on page 41.

Technical Matters. The last line of Section III(c) states in brackets (on the last line of page 5) that "other sections may be added to the list of sections which may be amended notwithstanding the objection of any particular Participant." This quoted phrase should be deleted, since it appears that a formal amendment would be necessary to add to the list in any event.

The fourth sentence of Section V(d) refers to Section VIII(a) as setting forth time limits for reporting transactions to the Processor. The reference should be changed to refer to Section VII(a).

For convenience, it appears that the term "interrogation device" should be defined to include not only display devices capable of responding to specific inquiries for last sale prices but also those capable of reporting changes in such prices as they occur (frequently referred to as "monitoring devices"). In addition, Section VIII(a) defines Vendors in terms of persons engaged in "disseminating" reports of completed transactions. Inasmuch as this definition appears not to include those manufacturers of terminal or display equipment who do not own or lease transmission networks, which the Commission believes were intended to be included, the definition should be expanded to include

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[4] The Commission would have no objection

[5] A number of commentators expressed concern about the ability of the news media to report closing prices in listed securities. The Commission has considered this problem at length and believes that practical solutions are available. For example, it might be feasible for all trading to stop for a brief period, say, at 3:30 p.m., so that "closing" prices could be disseminated. Trading could then resume and be reported by the news media on the following day.

those engaged in the business of displaying last sale prices. To reflect these changes, Sections VIII (a) and (b) should be revised to read as follows:

(a) The last sale prices as consolidated by the Processor, relating to Eligible Securities registered on the NYSE, shall be disseminated over Network A and to the Vendors who may from time to time have contracts, executed by NYSE on behalf of all Network A Participants, permitting such Vendors to input such stream of data into their computers and develop a data base therefrom which is to be used for the purpose of (i) responding to specific inquiries for last sale prices of Eligible Securities disseminated over Network A or (ii) reporting as they occur changes in last sale prices of a limited number of specific Eligible Securities disseminated over Network A. (Any device designed to perform, whether alone or together with other functions, the function described in either clause (i) or (ii), or both, of the preceding sentence is herein referred to as an "interrogation device".) Vendors will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them over Network A, except as may be incidental to the operation of approved interrogation devices. The term "Vendor" as used in the Plan shall include any person (other than the Processor) engaged in the business of disseminating or displaying to brokers and dealers or others, on a real time or other current basis, reports of transactions in Eligible Securities whether or not such dissemination or display includes all such reports disseminated by the Processor.

NYSE will also, on behalf of all Network A Participants, enter into appropriate agreements with Vendors permitting them to install in the offices of approved subscribers any approved devices for the purpose of displaying last sale prices disseminated over Network A to the office or building in which such subscriber is located. (Any such device is hereinafter referred to as a "display device" or "tape display device".)

(b) The last sale prices as consolidated by the Processor, relating to all Eligible Securities other than those to be disseminated over Network A, shall be disseminated over Network B and to the Vendors who may from time to time have contracts, executed by Amex on behalf of all Network B Participants, permitting such Vendors to input such stream of data into their computers and develop a data base therefrom which is to be used for the purpose of (i) responding to specific inquiries for last sale prices of Eligible Securities disseminated over Network B or (ii) reporting as they occur changes in last sale prices of a limited number of specific Eligible Securities disseminated over Network B. Vendors will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them over Network B, except as may be incidental to the operation of approved interrogation devices.

Amex will also, on behalf of all Network B Participants, enter into appropriate agreements with Vendors permitting them to install in the offices of approved subscribers any approved display devices for the purpose of displaying last sale prices disseminated over Network B to the office or building in which such subscriber is located.

Amendments to the Plan Filed in May 1973. The Commission has reviewed the amendments to Sections VI and XI of the Plan and has no comment with respect to the financial arrangements for sharing expenses and revenues (Section XI).[4]

[4] Subject to the comments above under Hours of Operation.

With respect to the eligibility standards for preferred stocks, the Commission believes, as noted above with respect to common stock and warrants, that these standards should be consistent with those of the NYSE or Amex. Thus all preferred securities registered on any exchange which substantially meet the NYSE's or Amex's listing standards would be eligible for inclusion on the consolidated tape.

In place of existing paragraph (3) and new paragraphs (4) and (5) of Section VI(a), a new paragraph (3) should be inserted to read as follows:

(3) Any preferred stock registered or admitted to unlisted trading privileges on any national securities exchange which substantially meets the listing requirements of the NYSE or Amex for such securities, as they may be amended from time to time.

In addition, as noted with respect to common stocks, the Commission has determined that preferred stocks should be subject to losing eligibility if they become eligible for delisting under the delisting standards of the NYSE and Amex. Such standards have been incorporated into the revised Section VI(c) discussed above at page 7.

With respect to the amendment setting forth the Plan's eligibility standards for American depository receipts and real estate investment trusts, the Commission notes that to be consistent with its above suggestions with respect to common and preferred stocks these standards likewise should be consistent with the listing standards of the NYSE or Amex. Accordingly, the semicolon in line 4 of page 3 of the amendments to Section VI should be changed to a period, and all of the language beginning with the word "provided" in the same line and ending in the word "Shares" in the ninth line from the bottom of the same page should be deleted.

Because we believe that the interests of the public require the prompt adoption of the Revised Plan, we request that each of you refile the Revised Plan no later than March 29, 1974.

Sincerely yours,

GEORGE A. FITZSIMMONS,
Secretary.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653, 15 U.S.C. 78j(b), 78o(c), 78q, 78w.)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 8, 1974.

[FR Doc.74-5994 Filed 3-14-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1041; Amdt. 1]

LOUISIANA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Louisiana as a major disaster area following flooding beginning on or about January 21, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional parish: Ouachita, and adjacent affected areas. (See 39 FR 9237)

Applications may be filed at the:

Small Business Administration
District Office
Plaza Tower—17th Floor
1001 Howard Avenue
New Orleans, Louisiana 70113

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than April 30, 1974.

Date: March 7, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-5992 Filed 3-14-74;8:45 am]

TARIFF COMMISSION

[TEA-W-230]

ROXBURY CARPET CO.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Framingham, Mass., plant of the Roxbury Carpet Co., Chattanooga, Tenn., formerly a subsidiary of Carson, Pirie Scott & Co., Chicago, Ill., the United States Tariff Commission, on March 8, 1974, instituted an investigation under 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with woven velvet carpets (of the types provided for in item 360.46 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 25, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW, Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: March 12, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6076 Filed 3-14-74;8:45 am]

[TEA-W-231]

SUN-CAL FOOTWEAR, INC.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Sun-Cal Footwear, Inc., Gardena, California, a wholly owned subsidiary of Lehigh Moccasin Corp., a wholly owned subsidiary of Lehigh Valley Industries, Inc., New York, New York, the

United States Tariff Commission, on March 11, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 25, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6077 Filed 3-14-74;8:45 am]

TENNESSEE VALLEY AUTHORITY

FINAL ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Notice is hereby given that copies of a document entitled "Final Environmental Impact Statement, Sequoyah Nuclear Plant Units 1 and 2" dated February 13, 1974, has been made available to the President, the Council on Environmental Quality, and to the public as required by section 102(2)(C) of the National Environmental Policy Act. The statement contains the comments and views of the appropriate Federal and state agencies concerning the proposed plant. Copies of the document are available for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20545; in the Office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, Tennessee 37902; and in the Public Documents Room, Chattanooga Public Library, 601 McCallie Avenue, Chattanooga, Tennessee 37403.

Single copies of the final statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tennessee, this the 5th day of March, 1974, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.74-6003 Filed 3-14-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

MOXEES SHOE CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 10, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-215) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of the Moxees Shoe Corp., Auburn, Maine. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with the women's and misses' footwear produced by the Moxees Shoe Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause unemployment or underemployment of a significant number or proportion of the workers of the firm or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 39 FR 5646; 29 CFR Part 90). In the recommendation, she noted that concession generated imports like or directly competitive with the women's and misses' footwear produced by the Moxees Shoe Corp. increased substantially from 1967 to 1973. In an effort to compete with imports, the company introduced style changes and geared production to meet demand more efficiently and expeditiously. Despite these efforts, the company was forced to substantially increase the prices of its shoes to meet increasing costs. As a result, many of the company's customers turned to lower priced imports. Moxees' production declined substantially from 1972 to 1973. Unemployment and underemployment of a significant number of the company's workers, caused in major part by increased import competition, began in December 1972 and continues. After due consideration, I make the following certification:

All workers, hourly, piecework, and salaried, of Moxees Shoe Corp., Auburn, Maine (a subsidiary of Multivisions Corp. and formerly a subsidiary of Venesta International, Ltd.) who became or will become unemployed or underemployed after December 24, 1972, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 11th day of March 1974.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.74-6085 Filed 3-14-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 465]

ASSIGNMENT OF HEARINGS

MARCH 12, 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-19227 Sub 197, Leonard Bros., Trucking Co., Inc., application is dismissed.

MC-F-11976, Witte Transportation Company (Purchase), John D. Truck, now assigned April 16, 1974, will be held in the Hilton Hotel, 11 East Kellogg Boulevard, St. Paul, Minn.

No. 35831, Container Interchange Contracts-Petition for Investigation, No. 35835, American Export Lines, Inc., Et Al. V. The Alabama Great Southern Railroad Company, et Al., &

No. 35843, The Maritime Administrative, United States Department of Commerce V. Seaboard Coast Line Railroad Co., Et al., now assigned March 18, 1974, is postponed to April 8, 1974 (4 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-138255, Sub 3, Herschel A. Wimmer And Charles T. Hacker, DBA Dayton Air Freight, now being assigned hearing May 13, 1974 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-F-12001, Interstate Motor Freight System—Purchase (Portion)—Great Lakes Express Co., now being assigned hearing May 15, 1974 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-51018 Sub 9, The Besl Transfer Co., & MC-60014 Sub 9, Aero Trucking, Inc., now being assigned hearing May 20, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 129862 Sub-3, Rajor, Inc., now being assigned May 20, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8254, Hutt Transportation Company, and Cape Air Freight, Inc.—Investigation of Operations and Revocation of Certificates, and No. MC 136724 Sub 1, Hutt Transportation Co., Common Carrier Application, now being assigned hearing June 3, 1974 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 113666 Sub 81, Freeport Transport, Inc., now being assigned hearing June 5, 1974 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-C-8060, The Maxwell Co., Et al.-V-American Bulk Transport, Inc. (Formerly), Eldon Miller, Inc., now being assigned hearing June 10, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-114632 Sub 57, Apple Lines, Inc., is continued to May 7, 1974 (3 days), at the Offices of The Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub-500, Curtis, Inc., now assigned March 21, 1974, at Denver, Colo., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6088 Filed 3-14-74;8:45 am]

[Finance Dockets Nos. 27508, 27525]

AUTO-TRAIN CORP., ET AL.

Granting of Certificate

MARCH 12, 1974.

Action by Division 3, Commissioners Tuggle, Deason, and Brewer in Finance Docket No. 27508, Auto-Train Corp., Operation Between Louisville, Ky., and Sanford, Fla., and Finance Docket No. 27525, Seaboard Coast Line Railroad Company, Louisville and Nashville Railroad Company—Operating Agreement—Auto-Train Corp., on March 11, 1974.

In Finance Docket No. 27508 the application of Auto-Train Corp. (Auto-Train) under section 1(18) of the Interstate Commerce Act (Act) for a certificate of public convenience to operate a combined rail passenger automobile transport service between Louisville, Ky., and Sanford, Fla., was granted.

In Finance Docket No. 27525 the application of Seaboard Coast Line Railroad Company (Seaboard), Louisville and Nashville Railroad Company (L&N) and Auto-Train under section 5(2) of the Act for the operation by Seaboard and L&N of the properties of Auto-Train, and the acquisition by Auto-Train of trackage rights over certain lines of Seaboard and L&N, was granted, subject to conditions.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6090 Filed 3-14-74;8:45 am]

[Ex Parte No. MC-89]

CHANDLER TRAILER CONVOY, INC.

Removal of Initial and Secondary Movement Restrictions; Filing of a Petition

Petitioner: CHANDLER TRAILER CONVOY, INC., Little Rock, Ark. Petitioner's representative: Harold G. Hernly and Joseph L. Howard, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. By petition filed January 22, 1974, Chandler Trailer Convoy, Inc., of Little Rock, Ark., requests the Commission to institute a rulemaking proceeding to investigate the following matters relating to the for-hire motor transportation of trailers designed to be drawn by passenger automobiles:

(1) Petitioner states that the removal of the restrictive terms "initial and/or secondary movements" in the transportation of trailers designed to be drawn by passenger automobiles from all existing certificates will eliminate dead-head mileage and avoidable transportation costs.

(2) Petitioner is concerned about the back-haul problem that motor carriers specializing in this area allegedly incur because of the restrictive terms.

(3) Petitioner questions the present practice of distinguishing between initial and secondary movements and argues that motor carriers handling the involved commodities are authorized to provide both initial and secondary movements and that the equipment and service are similar in all material respects.

(4) Petitioner avers that elimination of the above-noted restrictions would enable a motor carrier to transport any mobile home regardless whether "initial" or "secondary" authority is held and enable a balanced operation.

(5) Petitioner advocates a requirement that motor carriers utilize the safest and shortest routes which, it is alleged, would (along with the cancellation of said restrictions) conserve natural resources, reduce noise levels and traffic congestion in metropolitan areas, and decrease the pollutants emitted in the air.

Petitioner suggests that the Commission (1) cancel from all certificates the restrictive terms "initial and/or secondary" movements so as to permit the unrestricted transportation of trailers designed to be drawn by passenger automobiles by the truckaway method, between all points such motor common carriers are presently authorized to transport such traffic and (2) to require that motor carriers, where practicable, use the shortest and safest routes in performing authorized services by eliminating dead-head mileage and, when practicable, avoid congested areas such as large cities.

Chandler does not believe that the relief sought in the petition will have an adverse effect upon the environment.

No oral hearing is contemplated at this time, but any interested person (including petitioner which is asked to supply for the record the information and data upon which its petition is based), wishing to make representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original (and, if possible, fifteen copies of such data, views, or arguments shall be filed with the Commission on or before April 25, 1974. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during the regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6086 Filed 3-14-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 1, 1974.

FSA No. 42814—*Petroleum Alkylate Detergent Intermediate from Chocolate Bayou, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-461) for interested rail carriers. Rates on petroleum alkylate detergent intermediate, in tank-car loads, as described in the application, from Chocolate Bayou, Texas, to St. Louis, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 51 to Southwestern Freight Bureau, Agent, tariff 354-C, I.C.C. No. 5084. Rates are published to become effective on April 13, 1974.

FSA No. 42815—*Chlorine from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-465), for interested rail carriers. Rates on chlorine, in tank-car loads, as described in the application, from specified points in Louisiana and Texas, to Demopolis and Green Tree, Alabama.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 122 and 112 to Southwestern Freight Bureau, Agent, tariffs 38-D and 357-B, I.C.C. Nos. 5044 and 5019, respectively. Rates are published to become effective on April 13 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6089 Filed 3-14-74;8:45 am]

[Notice 44]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27,

1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 4, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74962. By order of March 11, 1974, the Motor Carrier Board approved the transfer to Arvo Lyly & Sons, P.O. Box 483, Ukiah, Calif., of Certificate of Registration No. MC–119477 (Sub-No. 2), issued May 18, 1964, to Rossi Transportation, Inc., Fort Bragg, Calif., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in Decision No. 60268 dated June 14, 1960, by the Public Utilities Commission of the State of California.

No. MC–FC–74983. By Supplemental Order of March 7, 1974, the Motor Carrier Board approved the transfer to Ocala Trucking and Transfer, Inc., Ocala Fla., of the additional operating rights issued to Sam W. Carroll, Doing Business As Carroll Trucking, Umatilla, Fla., in Permit No. MC–128893 (Sub-No. 2), issued March 6, 1974, authorizing the transportation of: Glass bottles and jars, and honey moving therewith, from plant site of Kerr Glass Co., at Plainfield, Ill., to designated plant sites at or near Waycross, Ga., and Temple, Texas. R. W. Wigton, P.O. Box 1107, Sioux City, Iowa 51102, Registered Practitioner.

No. MC–FC–75004. By order of March 11, 1974, the Motor Carrier Board approved the transfer to Bass Transport, Inc., Lynchburg, Va., of the operating rights in Certificate No. MC–135786 (Sub-No. 3), issued September 26, 1972, to Norris E. Bass, doing business as N. E. Bass, Lynchburg, Va., authorizing the transportation of new furniture, from Altavista and Rocky Mount, Va., to points in Arizona, California, Nevada, and Utah. Frank B. Hand, Box 446, Winchester, Va. 22601, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6087 Filed 3–14–74;8:45 am]

FEDERAL ENERGY OFFICE

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463 . Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties delegated to the Federal Energy Office by Executive Order No. 11748, to establish the Wholesale Petroleum Advisory Group. A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: March 14, 1974.

WILLIAM E. SIMON,
Administrator.

WHOLESALE PETROLEUM ADVISORY GROUP—CHARTER

A. *Establishment.* The Administrator, Federal Energy Office, having determined, after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order #11748, dated December 4, 1973, which delegated to the Administrator, Federal Energy Office, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203(a)(3) of the Economic Stabilization Act of 1970, as amended (Pub. L. 92–210); and Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended, hereby establishes the Wholesale Petroleum Advisory Group pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, functions and administrative provisions*—1. *Objectives and scope.* The objective of the Wholesale Petroleum Advisory Group is to provide the Federal Energy Office (FEO) with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the wholesale trade of selling heating oil, residual fuel and gasoline.

2. *Committee tenure.* In view of the goals and purposes of the Group, it will be expected to continue for approximately ninety days.

3. *Official to whom Committee reports.* The Group will report to the Deputy Assistant Administrator for Policy, Planning and Regulation, Federal Energy Office.

4. *Support services.* Necessary support for the Group will be furnished by the Federal Energy Office, Office of Policy, Planning and Regulation.

5. *Committee duties.* The duties of the Group are solely advisory and are to provide the Federal Energy Office with direct and timely access to the technical knowledge of the Group's members relating to the wholesale trade of selling heating oil, residual fuel and gasoline.

6. *Estimated annual cost.* The estimated annual operating costs for the Group are $30,000.00 and approximately one-fourth man years of staff support.

7. *Meetings.* The Group will meet approximately six to nine times.

8. *Termination date.* The Group will terminate within four months from date of this Charter, unless prior to that date renewal action is taken by the Administrator, Federal Energy Office.

[FR Doc.74–6240 Filed 3–14–74;12:12 pm]

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WASHINGTON, D.C.

Volume 39 ■ Number 52

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

COSMETICS

Reorganization and Republication

Title 21—Food and Drugs

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

[Recodification Docket No. 4]

SUBCHAPTER G—COSMETICS

REORGANIZATION AND REPUBLICATION

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations. This is the fourth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

Regulations for the packaging and labeling of cosmetics formerly under Part 1 of Subchapter A, and regulations setting forth statements of policy and interpretation for cosmetics formerly under Part 3 of Subchapter A, together with former Subchapter D—Cosmetics, have been reorganized into a new Subchapter G—Cosmetics in an effort to provide greater clarity and convenience to the user.

The following table shows the relationship of the CFR section numbers under Subchapters A and D, prior to this republication to the redesignation reflected in the new Subchapter G—Cosmetics:

Old section	*New section*
1.201	701.1
1.201a	701.10
1.202	701.11
1.202a	701.12
1.202b	701.13
1.203	701.2
1.204	701.9
1.205	701.3
3.60	700.11
3.92	700.13
3.651	700.10
3.652	701.20
170.1(a)	700.3(b)
170.1(b)	700.3(j)
170.1(c)	700.3(k)
170.1(d)	700.3(l)
170.1(e)	700.3(m)
170.1(f)	700.3(a)
170.1(g)	700.3(n)
170.2	710.1
170.3	710.2
170.4	710.3
170.5	710.4
170.6	710.5
170.7	710.6
170.8	710.7
170.9	710.8
170.51	710.9
172.1(a)	700.3(i)
172.1(b)	700.3(b)
172.1(c)	700.3(c)
172.1(d)	700.3(d)
172.1(e)	700.3(e)
172.1(f)	700.3(f)
172.1(g)	700.3(g)
172.1(h)	700.3(h)
172.1(i)	700.3(n)
172.2	720.1
172.3	720.2
172.4	720.3
172.5	720.4
172.6	720.5
172.7	720.6
172.8	720.7
172.9	720.8
172.10	720.9
174.1(a)	700.3(o)
174.1(c)	700.3(p)
174.1(d)	700.3(q)
174.1(e)	700.3(r)
174.2	730.1
174.3	730.2
174.4	730.3
174.5	730.4
174.6	730.5
174.7	730.6
174.8	730.7
174.9	730.8

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation. For the convenience of the user, the entire text of the revised Subchapter G—Cosmetics is set forth below.

Dated: March 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

Therefore, 21 CFR is amended by redesignating §§ 1.201–1.205 of Part 1, and §§ 3.60, 3.91, 3.92, 3.651 and 3.652 of Part 3 of Subchapter A, together with Parts 170, 172 and 174 of Subchapter D, as Subchapter G—Cosmetics and republished to read as follows:

SUBCHAPTER G—COSMETICS

Parts

700—General.
701—Cosmetic Labeling.
710—Voluntary Registration of Cosmetic Product Establishments.
720—Voluntary Filing of Cosmetic Product Ingredient and Cosmetic Raw Material Composition Statements.
730—Voluntary Filing of Cosmetic Product Experiences.

PART 700—GENERAL

Subpart A—General Provisions

Secs.

700.3 Definitions.

Subpart B—Requirements for Specific Cosmetic Products

700.10 Shampoo preparations containing egg as one of the ingredients.
700.11 Cosmetics containing bithionol.
700.13 Use of mercury compounds in cosmetics including use as skin-bleaching agent in cosmetic preparations also regarded as drugs.

AUTHORITY: Secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

Subpart A—General Provisions

§ 700.3 Definitions.

As used in this subchapter:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(b) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed. Any cosmetic product which is also a drug or device or component thereof is also subject to the requirements of Chapter V of the act.

(c) The term "flavor" means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance" means any natural or synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The term "proprietary ingredient" means any cosmetic product ingredient whose name, composition, or manufacturing process is protected from competition by secrecy, patent, or copyright.

(g) The term "chemical description" means a concise definition of the chemical composition using standard chemical nomenclature so that the chemical structure or structures of the components of the ingredient would be clear to a practicing chemist. When the composition cannot be described chemically, the substance shall be described in terms of its source and processing.

(h) The term "cosmetic raw material" means any ingredient, including an ingredient that is a mixture, which is used in the manufacture of a cosmetic product for commercial distribution and is supplied to a cosmetic product manufacturer, packer, or distributor by a cosmetic raw material manufacturer or supplier.

(i) The term "commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(j) "Establishment" means a place of business where cosmetic products are manufactured or packaged.

(k) The term "manufacture" of a cosmetic product means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(l) The term "packaging" of a cosmetic product means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(m) The term "all business trading names used by the establishment" means any name which is used on a cosmetic product label and owned by the cosmetic product manufacturer or packer, but is different from the principal name under which the cosmetic product manufacturer or packer is registered.

(n) The definitions and interpretations contained in sections 201, 601, and 602 of the act shall be applicable to such terms when used in the regulations in this subchapter.

(o) "System of commercial distribution" of a cosmetic product means any distribution outside the establishment manufacturing the product, whether for sale, to promote future sales (including

free samples of the product), or to gage consumer acceptance through market testing, in excess of $1,000 in cost of goods.

(p) "Filed screening procedure" means a procedure that is:

(1) On file with the Food and Drug Administration and subject to public inspection;

(2) Designed to determine that there is a reasonable basis for concluding that an alleged injury did not occur in conjunction with the use of the cosmetic product; and

(3) Which is subject, upon request by the Food and Drug Administration, to an audit conducted by the Food and Drug Administration at reasonable times and, where an audit is conducted, such audit shows that the procedure is consistently being applied and that the procedure is not disregarding reportable information.

(q) "Reportable experience" means an experience involving any allergic reaction, or other bodily injury, alleged to be the result of the use of a cosmetic product under the conditions of use prescribed in the labeling of the product, under such conditions of use as are customary or reasonably foreseeable for the product or under conditions of misuse, that has been reported to the manufacturer, packer, or distributor of the product by the affected person or any other person having factual knowledge of the incident, other than an alleged experience which has been determined to be unfounded or spurious when evaluated by a filed screening procedure.

(r) "Unusual reportable experience" means a reportable experience which by kind, severity, or frequency of incidence, differs significantly from the reporting firm's previous experience or from the norm reported for like cosmetics in the same product category, using the product categories set forth in § 720.4(c) of this chapter.

Subpart B—Requirements for Specific Cosmetic Products

§ 700.10 Shampoo preparations containing egg as one of the ingredients.

The present views of the Food and Drug Administration concerning the status of shampoo preparations containing egg as one of the ingredients are as follows:

(a) An article designated as "egg shampoo" should contain one egg (or the equivalent amount of dried whole egg) in that quantity of the article which would be used in one shampooing of the hair.

(b) An article that contains less than one egg per "shampoo" should not be referred to as an "egg shampoo," and the word "egg" should not be used as part of the name of the article. At the present time, the Food and Drug Administration is not raising objection to the marketing of an article containing less than one egg per "shampoo," provided the word "egg" does not appear in the name of the article, the reference to the egg ingredient, such as "plus egg," appears in a subordinate position on the label and is in type which is substantially reduced in size in comparison with the title of the article, and the reference to the presence of egg reveals the amount of the egg ingredient.

(c) In the case of an article containing less than 2 percent egg, the amount of egg is so small as to be insignificant, and it is therefore considered that it would be misleading for the labeling to make any mention of the presence of egg in such a product.

§ 700.11 Cosmetics containing bithionol.

(a) Bithionol has been used to some extent as an antibacterial agent in cosmetic preparations such as detergent bars, shampoos, creams, lotions, and bases used to hide blemishes. New evidence of clinical experience and photopatch tests indicate that bithionol is capable of causing photosensitivity in man when used topically and that in some instances the photosensitization may persist for prolonged periods as severe reactions without further contact with sensitizing articles. Also, there is evidence to indicate that bithionol may produce cross-sensitization with other commonly used chemicals such as certain halogenated salicylanilides and hexachlorophene. It is, therefore, the view of the Food and Drug Administration that bithionol is a deleterious substance which may render any cosmetic product that contains it injurious to users. Accordingly, any cosmetic containing bithionol is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(b) Regulatory proceedings may be initiated with respect to any cosmetic preparation containing bithionol shipped within the jurisdiction of the act after March 15, 1968.

§ 700.13 Use of mercury compounds in cosmetics including use as skin-bleaching agent in cosmetic preparations also regarded as drugs.

(a) Mercury-containing cosmetic preparations have been represented for many years as skin-bleaching agents or as preparations to remove or prevent freckles and/or brown spots (so-called age spots). Preparations intended for such use are regarded as drugs as well as cosmetics. In addition to such use as skin-bleaching agents, mercury compounds have also been widely used as preservatives in cosmetics such as hand and body creams and lotions; hair shampoos, hair sets and rinses, hair straighteners, hair coloring, and other preparations; bath oils, bubble bath, and other bath preparations; makeup; antiperspirants and deodorants; and eye-area cosmetics.

(b) The toxicity of mercury compounds is extensively documented in scientific literature. It is well known that mercury compounds are readily absorbed through the unbroken skin as well as through the lungs by inhalation and by intestinal absorption after ingestion. Mercury is absorbed from topical application and is accumulated in the body, giving rise to numerous adverse effects. Mercury is a potent allergen and sensitizer, and skin irritation is common after topical application. Cosmetic preparations containing mercury compounds are often applied with regularity and frequency for prolonged periods. Such chronic use of mercury-containing skin-bleaching preparations has resulted in the accumulation of mercury in the body and the occurrence of severe reactions. Recently it has also been determined that microorganisms in the environment can convert various forms of mercury into highly toxic methyl mercury which has been found in the food supply and is now considered to be a serious environmental problem.

(c) The effectiveness of mercury-containing preparations as skin-bleaching agents is questionable. The Food and Drug Administration has not been provided with well controlled studies to document the effectiveness of these preparations. Although mercurial preservatives are recognized as highly effective, less toxic and satisfactory substitutes are available except in the case of certain eye-area cosmetics.

(d) Because of the known hazards of mercury, its questionable efficacy as a skin-bleaching agent, and the availability of effective and less toxic nonmercurial preservatives, there is no justification for the use of mercury in skin-bleaching preparations or its use as a preservative in cosmetics, with the exception of eye-area cosmetics for which no other effective and safe nonmercurial preservative is available. The continued use of mercurial preservatives in such eye-area cosmetics is warranted because mercury compounds are exceptionally effective in preventing *Pseudomonas* contamination of cosmetics and *Pseudomonas* infection of the eye can cause serious injury, including blindness. Therefore:

(1) The Food and Drug Administration withdraws the opinion expressed in trade correspondence TC–9 (issued May 13, 1939) and concludes that any product containing mercury as a skin-bleaching agent and offered for sale as skin-bleaching, beauty, or facial preparation is misbranded within the meaning of sections 502(a), 502(f) (1) and (2), and 502(j), and may be a new drug without approval in violation of section 505 of the Federal Food, Drug, and Cosmetic Act. Any such preparation shipped within the jurisdiction of the act after January 5, 1973 will be the subject of regulatory action.

(2) The Food and Drug Administration withdraws the opinion expressed in trade correspondence TC–412 (issued Feb. 11, 1944) and will regard as adulterated within the meaning of section 601(a) of the act any cosmetic containing mercury unless the cosmetic meets the conditions of paragraph (d)(2) (i) or (ii) of this section.

(i) It is a cosmetic containing no more than a trace amount of mercury and such trace amount is unavoidable under conditions of good manufacturing practice and is less than 1 part per million

(0.0001 percent), calculated as the metal; or

(ii) It is a cosmetic intended for use only in the area of the eye, it contains no more than 65 parts per million (0.0065 percent) of mercury, calculated as the metal, as a preservative, and there is no effective and safe nonmercurial substitute preservative available for use in such cosmetic.

(Secs. 502(a) (f), (j), 505, 601(a), 52 Stat. 1050, 1051, 1052–1053 as amended, 1054; 21 U.S.C. 352(a), (f), (j), 355, 361(a).)

PART 701—COSMETIC LABELING

Subpart A—General Provisions

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Subpart B—Package Form

701.10 Principal display panel.
701.11 Identity labeling.
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701.13 Declaration of net quantity of contents.

Subpart C—Labeling of Specific Ingredients

701.20 Detergent substances, other than soap, intended for use in cleansing the body.

AUTHORITY: Secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374, unless otherwise noted.

Subpart A—General Provisions

§ 701.1 Misbranding.

(a) Among representations in labeling of a cosmetic which render such cosmetic misbranded is a false or misleading representation with respect to another cosmetic or a food, drug, or device.

(b) The labeling of a cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

§ 701.2 Form of stating labeling requirements.

(a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 602(c) of the act by reason (among other reasons) of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device;

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b)(1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language: *Provided, however,* That in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a Territory where the predominant language is one other than English, the predominant language may be substituted for English.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

§ 701.3 Designation of ingredients.

(a) The label on each package of a cosmetic shall bear a declaration of the name of each ingredient in descending order of predominance, except that fragrance or flavor may be listed as fragrance or flavor. An ingredient which is both fragrance and flavor shall be designated by each of the functions it performs unless such ingredient is identified by name. No ingredient may be designated as fragrance or flavor unless it is within the meaning of such term as commonly understood by consumers. Where one or more ingredients is accepted by the Food and Drug Administration as exempt from public disclosure pursuant to the procedure established in § 720.8 (a) of this chapter, in lieu of label declaration of identity the phrase "and other ingredients" may be used at the end of the ingredient declaration.

(b) The declaration of ingredients shall appear with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The declaration shall appear on any appropriate information panel in letters not less than 1/16 of an inch in height and without obscuring design, vignettes, or crowding. In the absence of sufficient space for such declaration on the package, or where the manufacturer or distributor wishes to use a decorative container, the declaration may appear on a firmly affixed tag, tape, or card. In those cases where there is insufficient space for such declaration on the package, and it is not practical to firmly affix a tag, tape, or card, the Commissioner may establish by regulation an acceptable alternate (e.g., a smaller type size). A petition requesting such a regulation as an amendment to this paragraph shall be submitted to the Hearing Clerk in the form established in § 2.65 of this chapter.

(c) A cosmetic ingredient shall be identified in the declaration of ingredients by:

(1) The name established by the Commissioner for that ingredient for the purpose of cosmetic ingredient labeling, pursuant to paragraph (e) of this section;

(2) In the absence of such name, the name adopted for that ingredient in the following editions and supplements of the following compendia, listed in order as the source to be utilized:

(i) CTFA (Cosmetic, Toiletry and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, First Ed., 1973.[1]

(ii) United States Pharmacopeia, 18th Ed., 1970.[2]

(iii) National Formulary, 13th Ed., 1970.[2]

(iv) Food Chemicals Codex, Second Ed., 1972.[4]

(v) United States Adopted Names, (USAN 10) and the USP Dictionary of Drug Names, 1961–1971 cumulative list, and 1973 Supplement.[2]

(3) In the absence of such a listing, the name generally recognized by consumers.

(4) In the absence of any of the above, the chemical or other technical name or description.

(d) Where a cosmetic product is also a drug, the declaration shall first declare the active drug ingredients as required under section 502(e) of the Federal Food, Drug, and Cosmetic Act, and shall then declare the cosmetic ingredients.

(e) Interested persons may submit a petition requesting the establishment of a specific name for a cosmetic ingredient. Any such petition shall include a factual basis adequate to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds. The Com-

[1] Copies may be obtained from: The Cosmetic, Toiletry and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006.

[2] Copies may be obtained from: United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852.

[3] Copies may be obtained from: American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, DC 20037.

[4] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, DC 20037.

missioner may also propose such a name on his own initiative.

Effective date. All cosmetic labeling ordered after March 31, 1974, and all cosmetic products labeled after March 31, 1975, shall comply with this regulation.

§ 701.9 Exemptions from labeling requirements.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a cosmetic which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of sections 601(a) and 602(b) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such cosmetic is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such cosmetic in such establishment as will insure, if such specifications are followed, that such cosmetic will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such cosmetic from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(b) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the cosmetic comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such clause.

(d) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the cosmetic comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such cosmetic is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

(Sec. 603, 52 Stat. 1054, as amended: 21 U.S.C. 363)

Subpart B—Package Form

§ 701.10 Principal display panel.

The term "principal display panel" as it applies to cosmetics in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents of all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary condtions of display for retail sale.

§ 701.11 Identity labeling.

(a) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The common or usual name of the cosmetic; or

(2) An appropriately descriptive name or, when the nature of the cosmetic is obvious, a fanciful name understood by the public to identify such cosmetic; or

(3) An appropriate illustration or vignette representing the intended cosmetic use.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 701.12 Name and place of business of manufacturer, packer, or distributor.

(a) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where the cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as, "Manufactured for _____", "Distributed by _____", or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such cosmetic was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 701.13 Declaration of net quantity of contents.

(a) The label of a cosmetic in package form shall bear a declaration of the net quantity of contents. This shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the cosmetic is liquid or in terms of weight if the cosmetic is solid, semisolid, or viscous, or a mixture of solid and liquid. If there is a firmly established, general consumer usage and

trade custom of declaring the net quantity of a cosmetic by numerical count, linear measure, or measure of area, such respective term may be used. If there is a firmly established, general consumer usage and trade custom of declaring the contents of a liquid cosmetic by weight, or a solid, semisolid, or viscous cosmetic by fluid measure, it may be used. Whenever the Commissioner determines for a specific packaged cosmetic that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such cosmetic.

(b) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof and shall express the volume at 68° F. (20° C.).

(c) When the declaration of quantity of contents by numerical count, linear measure, or measure of area does not give accurate information as to the quantity of cosmetic in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or the total weight or measure of the cosmetic as will give such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label; with respect to packages bearing alternate principal display panels, it shall be duplicated on each principal display panel: *Provided*, That:

(1) The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be considered to be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the decorative container; and

(2) The principal display panel of a cosmetic marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the cosmetic in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That:

(1) On packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a cosmetic that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part, and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner containers is waived.

(g) The declaration shall accurately reveal the quantity of cosmetic in the package exclusive of wrappers and other material packed therewith: *Provided*, That:

(1) In the case of cosmetics packed in containers designed to deliver the cosmetic under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration; and

(2) In the case of a package which contains the integral components making up a complete kit, and which is designed to deliver the components in the manner of an application (for example, a home permanent wave kit), the declaration may state the net quantity of the contents in nondeceptive terms of the number of applications available in the kit when the instructions for use as shown on the container are followed.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specification:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraph (i) (1) through (4) of this section shall be increased by one-sixteenth of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more), followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (as set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (as set forth in paragraph (m) (3) and (4) of this section). Net weight or fluid measure of less than 1 ounce shall be expressed in common or decimal fractions of the respective ounce and not in drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or

numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. net wt." and "Net contents 6 fl. oz." or "6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (as set forth in paragraph (m)(5) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net wt. 24 oz. (1 lb. 8 oz.)", "Net wt. 24 oz. (1½ lb.)", or "Net wt. 24 oz. (1.5 lb.)".

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)".

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1½ pt.)" or "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net contents 56 fl. oz. (1 qt. 24 oz.)".

(5) A declaration of 2½ gallons liquid measure shall be expressed in the alternative as "Net contents 2 gal. 2 qt." and not as "2 gal. 4 pt."

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	gallon gal.
square sq.	quart qt.
fluid fl.	pint pt.
yard yd.	ounce oz.
feet or foot ft.	pound lb.
inch in.	

(o) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86 inches (2 yd. 1 ft. 2 inches)", "90 inches (2½ yd.)", "30 inches (2.5 ft.)", etc.

(p) On packages labeled in terms of area measure, the declaration shall be expressed in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)", etc.

(q) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the cosmetic contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(r) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(s) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Subpart C—Labeling of Specific Ingredients

§ 701.20 Detergent substances, other than soap, intended for use in cleansing the body.

(a) In its definition of the term "cosmetic," the Federal Food, Drug, and Cosmetic Act specifically excludes soap. The term "soap" is nowhere defined in the act. In administering the act, the Food and Drug Administration interprets the term "soap" to apply only to articles that meet the following conditions:

(1) The bulk of the nonvolatile matter in the product consists of an alkali salt of fatty acids and the detergent properties of the article are due to the alkali-fatty acid compounds; and

(2) The product is labeled, sold, and represented only as soap.

(b) Products intended for cleansing the human body and which are not "soap" as set out in paragraph (a) of this section are "cosmetics," and accordingly they are subject to the requirements of the act and the regulations thereunder. For example, such a product in bar form is subject to the requirement, among others, that it shall bear a label containing an accurate statement of the weight of the bar in avoirdupois pounds and ounces, this statement to be prominently and conspicuously displayed so as to be likely to be read under the customary conditions of purchase and use.

(Secs. 201, 602, 52 Stat. 1041, 1054; 21 U.S.C. 321, 362.)

PART 710—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

Sec.

710.1 Who should register.
710.2 Time for registration.
710.3 How and where to register.
710.4 Information requested.
710.5 Amendments to registration.
170.6 Notification of registrant; cosmetic products establishment registration number.
710.7 Inspection of registrations.
710.8 Misbranding by reference to registration or to registration number.
710.9 Exemptions.

AUTHORITY: Secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 710.1 Who should register.

The owner or operator of a cosmetic product establishment which is not exempt under § 710.9 and engages in the manufacture or packaging of a cosmetic product is requested to register for each such establishment, whether or not the product enters interstate commerce. This request extends to any foreign cosmetic product establishment whose products are exported for sale in any State as defined in section 201(a)(1) of the act. No registration fee is required.

§ 710.2 Time for registration.

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register his establishment within 30 days after the operation begins.

§ 710.3 How and where to register.

Form FD-2511 ("Registration of Cosmetic Product Establishment") is obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204, or at any Food and Drug Administration district office. The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204.

§ 710.4 Information requested.

Form FD-2511 requests information on the name and address of the cosmetic product establishment, including post office ZIP code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacturer, packer, and/or distributor). The information requested should be given separately for each establishment as defined in § 700.3(j) of this chapter.

§ 710.5 Amendments to registration.

Within 30 days after a change in any of the information contained on a sub-

mitted Form FD–2511, a new Form FD–2511 should be submitted to amend the registration. This amendment is also necessary when a registration is to be canceled because an establishment has changed its name and no longer conducts business under the original name.

§ 710.6 Notification of registrant; cosmetic product establishment registration number.

The Commissioner of Food and Drugs will provide the registrant with a validated copy of Form FD–2511 as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with the regulations in this part.

§ 710.7 Inspection of registrations.

A copy of the Form FD–2511 filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204.

§ 710.8 Misbranding by reference to registration or to registration number.

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its products by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 710.9 Exemptions.

The following classes of persons are not requested to register in accordance with this Part 710 because the Commissioner has found that such registration is not justified:

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and who do not sell these products.

PART 720—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

Sec.

720.1 Who should file.
720.2 Times for filing.
720.3 How and where to file.
720.4 Information requested about cosmetic products.
720.5 Information requested about cosmetic raw materials.
720.6 Amendments to statement.
720.7 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement.
720.8 Confidentiality of statements.
720.9 Misbranding by reference to filing or to statement number.

AUTHORITY: Secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 720.1 Who should file.

(a) Either the manufacturer, packer, or distributor of a cosmetic product is requested to file Form FD–2512 ("Cosmetic Product Ingredient Statement") whether or not the cosmetic product enters interstate commerce. This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product exported for sale in any State as defined in section 201(a)(1) of the act. No filing fee is required.

(b) It is requested that Form FD–2513 ("Cosmetic Raw Material Composition Statement") be filed by either the manufacturer or supplier of a cosmetic raw material that is a proprietary ingredient or whose precise composition is not known to the cosmetic manufacturer, packer, or distributor receiving the ingredient whether or not the raw material enters into interstate commerce. This request extends to any foreign manufacturer or supplier of a cosmetic raw material that is exported for such use in any State as defined in section 201(a)(1) of the act. No filing fee is required.

§ 720.2 Times for filing.

(a) Within 180 days after forms are made available to the industry, Form FD–2512 should be filed for each cosmetic product being commercially distributed as of the effective date of this part. Form FD–2512 should be filed within 60 days after the beginning of commercial distribution of any product not covered within the 180-day period.

(b) Form FD–2513 should be filed, pursuant to § 720.1(b), by a cosmetic raw material manufacturer or supplier for each cosmetic raw material.

§ 720.3 How and where to file.

Form FD–2512 and Form FD–2513 and Form FD–2514 ("Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204, according to the instructions provided with the forms.

§ 720.4 Information requested about cosmetic products.

(a) Form FD–2512 requests information on:

(1) The name and address, including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the product.

(2) The name and address, including post office ZIP code, of the manufacturer or packer of the product if different from the person designated on the label of the product, when the manufacturer or packer submits the information requested under this paragraph.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing Form FD–2512 should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have the form signed by an authorized individual.

(3) Provide poison control centers with ingredient information and/or adequate diagnostic and therapeutic procedures to permit rapid evaluation and treatment of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide ingredient information (and, when requested, ingredient samples) to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated.

(5) Request that a Form FD–2513 be filed pursuant to § 720.5(b) by the manufacturer or supplier of any proprietary ingredient (including mixtures) or of any other cosmetic raw material which is used as an ingredient and has not as yet been assigned a cosmetic raw material composition statement number.

(c) One or more of the following cosmetic product categories should be cited to indicate the product's intended use.

(1) *Baby products.* (i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.

(2) *Bath preparations.* (i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.

(3) *Eye makeup preparations.* (i) Eyebrow pencil.
(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye makeup remover.
(vi) Mascara.
(vii) Other eye makeup preparations.

(4) *Fragrance preparations.* (i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding aftershave talc).
(iv) Sachets.
(v) Other fragrance preparations.

(5) *Hair preparations (noncoloring).* (i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming aids.

(viii) Wave sets.
(ix) Other hair preparations.
(6) *Hair coloring preparations.* (i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(iii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.
(7) *Makeup preparations (not eye).* (i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Makeup bases.
(vi) Rouges.
(viii) Makeup fixatives.
(ix) Other makeup preparations.
(8) *Manicuring preparations.* (i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail extenders.
(v) Nail polish and enamel.
(vi) Nail polish and enamel removers.
(vii) Other manicuring preparations.
(9) *Oral hygiene products.* (i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.
(10) *Personal cleanliness.* (i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.
(11) *Shaving preparations.* (i) Aftershave lotions.
(i) Beard softeners.
(ii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.
(12) *Skin care preparations (creams, lotions, powder, and sprays).* (i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste masks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Wrinkle smoothing (removers).
(xii) Other skin care preparations.
(13) *Suntan and sunscreen preparations.* (i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preparations.
(d) Ingredients in the product should be indicated as follows:

(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) should be accompanied by a letter designating the percentage of the ingredient added, as follows:
(i) The letter A represents over 50 percent.
(ii) The letter B represents over 25 percent to 50 percent.
(iii) The letter C represents over 10 percent to 25 percent.
(iv) The letter D represents over 5 percent to 10 percent.
(v) The letter E represents over 1 percent to 5 percent.
(vi) The letter F represents over 0.1 percent to 1 percent.
(vii) The letter G represents 0.1 percent or less.
(viii) The letter H represents 0 percent. (The letter H is to be used only to indicate that a particular color additive is absent in certain shades of a product as described in the instructions in Form FD–2512.)

(2) An ingredient, including an ingredient that is a mixture, should be listed by its common or usual name, if it has one; or by its chemical name (except proprietary ingredients); or by its trade name and the name of manufacturer or supplier. If such ingredient complies with a published standard (e.g., "The United States Pharmacopeia," [2] "National Formulary," [3] "Food Chemicals Codex," [4] "CTFA Standards — Specifications," [1] etc.) list only the common, usual, or chemical name found in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier of each proprietary mixture that is included.

(e) A separate Form FD–2512 should be filed for each different formulation of a cosmetic product. However, except for the hair coloring preparations listed in paragraph (c)(6) of this section for which a statement for each shade of such product is required, a single Form FD–2512 may be filed for two or more shades of a cosmetic product where only the amounts of the color additive ingredient used are varied or in the case of flavors and fragrances where only the amounts of the flavors and fragrances used are varied.

§ 720.5 Information requested about cosmetic raw materials.

(a) Form FD–2513 requests information on:
(1) The name and address, including post office ZIP code, of the manufacturer or supplier of the cosmetic raw material.
(2) The trade name or names of the cosmetic raw material.
(3) The identity of the ingredient in a cosmetic raw material or of the ingredients if the cosmetic raw material is a mixture.
(b) The person filing Form FD–2513 should:
(1) Provide the information requested in paragraph (a) of this section for each cosmetic raw material which is to be an ingredient in a cosmetic product offered for commercial distribution, whenever it is a proprietary ingredient (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) or an ingredient whose precise composition is not known to the cosmetic product manufacturer, packer, or distributor using it.
(2) Have it signed by an authorized individual.
(c) Information on the composition of cosmetic raw material should be shown as follows:
(1) A cosmetic raw material or an ingredient in a cosmetic raw material, including mixtures, should be listed by its common or usual name, if it has one; or its chemical name; or its chemical description. If this information is not available, list the trade name and supplier and request the manufacturer or supplier to file a Form FD–2513. If such cosmetic raw material or ingredient complies with a published standard (e.g. "The United States Pharmacopeia," [2] "National Formulary," [3] "Food Chemicals Codex," [4] "CTFA Standards—Specifications," [1] etc.) list only the common, usual, or chemical name in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.
(2) A cosmetic raw material that is a prepared mixture of ingredients should have each ingredient listed in descending order of predominance by weight (except that fragrance and/or flavor, if present, may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) with a letter designating the percentage of the ingredient added as described under § 720.4(d)(1).

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[1] Copies may be obtained from: The Cosmetic, Toiletry and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006.
[2] Copies may be obtained from: United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852.
[3] Copies may be obtained from: American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, DC 20037.
[4] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, DC 20037.

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor used in a cosmetic raw material should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier.

(4) Ingredients in a prepared mixture of color additives, with or without diluents, that are used as cosmetic raw materials should be listed as described in subparagraphs (1) and (2) of this paragraph, using the approved FDA name of the color additive and/or diluent as listed in Part 8 of this chapter.

(d) The information requested should be given separately for each cosmetic raw material.

§ 720.6 Amendments to statement.

(a) Changes in the information requested under § 720.4(a) (3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended Form FD–2512, within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended Form FD–2512 within a year after such changes. Notice of discontinuance of commercial distribution of a cosmetic product should be submitted by Form FD–2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

(b) Changes in the information requested under § 720.5(a) (2) and (3) on the name or ingredients of a cosmetic raw material should be submitted by filing an amended Form FD–2513 on or before the time the cosmetic raw material is supplied to a cosmetic product manufacturer, packer, or distributor for use in a product for commercial distribution. The manufacturer, packer, or distributor should also be informed about any change in the name of a cosmetic raw material so he can send an amended Form FD–2512 as requested in paragraph (a) of this section. Other changes should be indicated by filing an amended Form FD–2513 within a year after these changes are made. Notice of discontinuance of commercial distribution of a cosmetic raw material should be submitted by Form FD–2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 720.7 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement.

When Forms FD–2512 and 2513 are received, the Commissioner of Food and Drugs will either assign a permanent cosmetic statement number or an FDA reference number in those cases where a permanent number cannot be assigned. Receipt of the forms will be acknowledged by sending the individual signing the statement an appropriate notice bearing either the FDA reference number or the permanent cosmetic statement number. If the person submitting Form FD–2512 has not complied with § 720.4(b) (1) and (2) or the person submitting Form FD–2513 has not complied with § 720.5(b), he will be notified as to the manner in which his statement is incomplete.

§ 720.8 Confidentiality of statements.

(a) Each item of information contained in, attached to, or included with Forms FD–2512, 2513, 2514, and amendments thereto and constituting a trade secret or other privileged and confidential commercial information exempt from disclosure to the public must be clearly marked as confidential. Each item of information so marked must be accompanied by a statement setting forth adequate grounds to justify its confidentiality. If the Food and Drug Administration concludes that an item so marked is not exempt from disclosure to the public, the person submitting the information will be informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Data and information otherwise exempt from public disclosure may be revealed in administrative or court enforcement proceedings where the data or information are relevant. Any such use will be in a manner that reduces public disclosure to the minimum necessary under the circumstances.

(c) Data and information otherwise exempt from public disclosure may be disclosed to consultants, advisory committees, and other persons who are special government employees. Such persons are thereafter subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee.

§ 720.9 Misbranding by reference to filing or to statement number.

(a) The filing of a Form FD–2512 or 2513 or assignment of a number to the statement does not in any way denote approval by the Food and Drug Administration of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading, except as set forth in paragraph (b) of this section.

(b) The manufacturer or supplier of a cosmetic raw material that has been assigned a Food and Drug Administration Cosmetic Raw Material Composition Statement number (FDA CRMCS No.) pursuant to § 720.7 may use this number without violating the misbranding provision of this section under the following conditions:

(1) The FDA CRMCS No. is placed on the label of the container which is used to ship or transport the cosmetic raw material to a manufacturing establishment if the principal display panel of the label also contains the following disclaimer: "The FDA Cosmetic Raw Material Composition Statement number is assigned for raw material identification purposes only and does not in any way denote approval of the firm or the raw material by the Food and Drug Administration." The disclaimer phrase shall be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual.

(2) The FDA CRMCS No. is used in cosmetic raw material trade literature, catalogue citations, and correspondence if the disclaimer specified in paragraph (b) (1) of this section is made on the same page that the FDA CRMCS No. appears.

PART 730—VOLUNTARY FILING OF COSMETIC PRODUCT EXPERIENCES

Sec.

730.1 Who should file.
730.2 Time for filing.
730.3 How and where to file.
730.4 Information requested.
730.5 Additions or amendments to reports.
730.6 Notification to person submitting reports.
730.7 Confidentiality of reports.
730.8 Misbranding by reference to filing; filing does not constitute an admission.

AUTHORITY: Secs. 601, 602, 701(a), 52 Stat. 1054, as amended, 1055; 21 U.S.C. 361, 362, 371(a).

EFFECTIVE DATE NOTE. It is anticipated that Form FD–2704, Form FD–2705, and Form FD–2706 will be available in May 1974. Accordingly, the initial reporting period for this program is established as beginning January 1, 1974 and ending June 30, 1974. The reports for this period should be received by the Food and Drug Administration not later than September 1, 1974. In the meantime, persons desiring these forms may submit requests to the Food and Drug Administration as set forth in § 730.3. Persons wishing to voluntarily submit information as requested on the forms pertaining to the period beginning July 1, 1973 and ending December 31, 1973 are invited to do so by filing completed forms for this period with the Food and Drug Administration as soon as possible after the forms become available. When the reporting forms become available, a notice to this effect will be published in the FEDERAL REGISTER.

§ 730.1 Who should file.

Every person who is a manufacturer, packer, or distributor of a cosmetic product is requested to file a Form FD–2704 (Cosmetic Product Experience Report), or a Form FD–2705 (Cosmetic Product Unusual Experience Report), with respect to all reportable experiences and unusual reportable experiences which have been reported to him concerning any of his cosmetic products in commercial distribution, regardless of whether he is a participant in the voluntary program to register cosmetic product establishments pursuant to Part 710 of this chapter, and regardless of whether he is a participant in the voluntary program to file cosmetic product ingredient and raw material composition statements pursuant to Part 720 of this chapter. In addition, every person who is a manufacturer, packer, or distributor of a cosmetic product, whether or not he has received any information concerning a reportable experience or unusual reportable experience in regard to any of his

cosmetic products in his system of commercial distribution, is requested to file a Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories). This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product imported into any State. No filing fee is required.

§ 730.2 Time for filing.

(a) Reportable experiences should be reported on a semiannual basis, for the periods January through June and July through December, not later than 60 days after the close of the reporting period.

(b) An unusual reportable experience should be reported immediately upon receipt of the information, and in any event, within 15 working days of its receipt by the manufacturer, packer, or distributor whether or not a screening procedure is completed.

(c) A summary report of cosmetic product experience by product categories should be filed on a semiannual basis, for the periods January through June and July through December, not later than 60 days after the close of the reporting period.

§ 730.3 How and where to file.

Form FD–2704 (Cosmetic Product Experience Report), Form FD–2705 (Cosmetic Product Unusual Experience Report) and Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories) are obtainable on request from the Industry Guidance Branch, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204, or from any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Experience Report, Division of Cosmetics Technology, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204. In the case of an unusual reportable experience, the envelope should be conspicuously flagged "Unusual Reportable Experience."

§ 730.4 Information requested.

(a) Form FD–2704 (Cosmetic Product Experience Report) requests the following information:

(1) The name and address (include country, if other than the United States) including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic product.

(2) Time period covered by the report.

(3) The complete name of the cosmetic product exactly as it appears on the label of the product.

(4) The cosmetic product category, as set forth in § 720.4(c) of this chapter and on the form, which best describes the product's intended use.

(5) Total number of reportable experiences during this reporting period, broken down to show the number and type of alleged experiences, in accordance with the experience categories specified on the form.

(6) Total number of product units of the cosmetic product estimated to have been distributed to consumers during this reporting period.

(7) The rate of reportable experiences per million product units estimated to have been distributed to consumers during this time period, broken down into the types of alleged experience, in accordance with the experience categories specified on the form.

(8) The cosmetic product establishment registration number or numbers assigned, under § 710.6 of this chapter, to the establishment or establishments where the product is manufactured and packaged, if known. Where the firm submitting the report knows that the manufacturer and/or packer has not filed a registration statement pursuant to Part 710 of this chapter, it should so indicate.

(9) The cosmetic product ingredient statement number (CPIS No.) assigned to the product under § 720.7 of this chapter, if known. If a number is pending, but has not been assigned, the firm should so indicate. Where the firm submitting the report knows that a cosmetic product ingredient statement pursuant to Part 720 of this chapter has not been filed, it should so indicate.

(10) Any additional evaluation of the experiences or other pertinent data or information as the person filing wishes to provide to assist the Food and Drug Administration in evaluating the report.

(b) Form FD–2705 (Cosmetic Product Unusual Experience Report) requests the following information:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic product.

(2) The date(s) of occurrence of the unusual experience(s). (If unknown, the date(s) when the information was received by the firm.)

(3) The complete name of the cosmetic product exactly as it appears on the label of the product.

(4) The cosmetic product category, as set forth in § 720.4(c) of this chapter and on the form, which best describes the product's intended use.

(5) The type of alleged experience(s) and the anatomical site(s) of the alleged experience(s) in accordance with categories specified on the form.

(6) The cosmetic product establishment registration number or numbers assigned, under § 710.6 of this chapter, to the establishment or establishments where the product is manufactured and packaged, if known. Where the firm submitting the report knows that the manufacturer and/or packer has not filed a registration statement pursuant to Part 710 of this chapter, it should so indicate.

(7) The cosmetic product ingredient statement number (CPIS No.) assigned to the product under § 720.7 of this chapter, if known. If a number is pending, but has not been assigned, the firm should so indicate. Where the firm submitting the report knows that a cosmetic product ingredient statement pursuant to Part 720 of this chapter has not been filed, it should so indicate.

(8) Any additional evaluation of the experiences or other pertinent data or information as the person filing wishes to provide to assist the Food and Drug Administration in evaluating the report.

(c) Form FD–2706 (Summary Report of Cosmetic Product Experience by Product Categories) requests the following information:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer, packer, or distributor) designated on the label of the cosmetic products.

(2) Time period covered by the report.

(3) Total number of product units within each product category, as set forth in § 720.4(c) of this chapter and on the form, estimated to have been distributed to consumers during this reporting period.

(4) Total number of reportable experiences within each product category during this reporting period, if any.

(5) The rate of reportable experiences per million product units in each product category estimated to have been distributed to consumers during this time period.

(d) The person filing a Form FD–2704 (Cosmetic Product Experience Report), Form FD–2705 (Cosmetic Product Unusual Experience Report), or Form FD–2706 (Summary Report of Product Experience by Product Categories) should:

(1) Provide the information requested in paragraphs (a), (b), and (c) of this section, as appropriate.

(2) Provide the screening procedure in conformance with § 700.3(p) when a screening procedure is used in connection with the reports requested by this part and is not already on file with the Food and Drug Administration.

(3) Provide the name, title, and signature of the individual authorized to submit the report(s), and the name and address of the firm which he represents if it differs from that provided in paragraph (a), (b), or (c) of this section.

(e) The information requested under paragraphs (a) and (b) should be filed separately for each cosmetic product, except that a single report may be filed for two or more shades, flavors, or fragrances of a cosmetic product where only the proportions of these ingredients are varied, and such product is covered by a single cosmetic product ingredient statement under § 720.4(e) of this chapter.

(f) On the basis of a review of individual reports or patterns of experience disclosed as a result of a number of reports, the Commissioner of Food and Drugs may request as much additional information from persons submitting reports as the Commissioner deems appropriate. For this reason, every person participating in this program should retain for three years all correspondence and records pertaining to alleged cosmetic product injuries.

§ 730.5 Additions or amendments to reports.

Additions or amendments to any experience report should be submitted by filing the appropriate amended form as soon as the need for such additions or amendments becomes apparent to the person submitting the original report.

§ 730.6 Notification to person submitting reports.

Anyone desiring a receipt for information submitted should send it by registered mail requesting a return receipt.

§ 730.7 Confidentiality of reports.

A notice of proposed rule making, "Public Information," was published in the FEDERAL REGISTER on May 5, 1972 (37 FR 9128). The proposal set out in detail the proposed rules applicable to public disclosure of information by the Food and Drug Administration, including information submitted voluntarily to the agency. After the order ruling on the proposal is published by the Commissioner of Food and Drugs under § 4.26 of this chapter, data and information submitted to the Food and Drug Administration pursuant to the provisions of this part will be handled in accordance with such order.

§ 730.8 Misbranding by reference to filing; filing does not constitute an admission.

(a) The filing of an experience report does not in any way denote approval of the firm or the cosmetic product by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of such filing will be considered misleading.

(b) The filing of an experience report does not in any way constitute an admission by the person filing the report that the alleged experience was the result of an ingredient or ingredients in the cosmetic product, or of any other fact.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register October 10, 1973.

[FR Doc.74-5517 Filed 3-14-74;8:45 am]

federal register

FRIDAY, MARCH 15, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 52

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payment since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions:

Georgia	AQ–4089
Maryland	AQ–2075
	AQ–2076
Pennsylvania	AQ–2070
West Virginia	AQ–2051

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Alabama:	
AQ–4027	Oct. 9, 1973
AQ–4034	Nov. 23, 1973
Delaware:	
AQ–2029	Nov. 16, 1973
Illinois:	
AP–1001; AP–1011	June 8, 1973
Iowa:	
AQ–17	Aug. 3, 1973
Kentucky:	
AQ–4021; AQ–4022	Oct. 12, 1973
Louisiana:	
AQ–76; AQ–77	Feb. 1, 1974
Maryland:	
AQ–2022	Oct. 19, 1973
AQ–2040	Jan. 25, 1974
Oklahoma:	
AQ–22	Aug. 31, 1973
AQ–64	Dec. 7, 1973
Pennsylvania:	
AP–489	Mar. 9, 1973
AQ–2044	Feb. 22, 1974
AQ–2050	Feb. 15, 1974
Texas:	
AQ–40; AQ–41	Oct. 26, 1973
AQ–66; AQ–67; AQ–68	Dec. 28, 1973
AQ–70; AQ–71; AQ–72; AQ–73	Jan. 11, 1974
Washington, D.C.:	
AQ–2035	Dec. 21, 1973

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Alabama:	
AQ–4027 (AQ–4088)	Oct. 19, 1973
AQ–4034 (AQ–4088)	Nov. 23, 1973
AQ–4037 and AQ–4038 (AQ–4088)	Nov. 30, 1973
California:	
AQ–1002 (AQ–1092); AQ–1003 (AQ–1093)	July 13, 1973
Mississippi:	
AP–158 (AQ–4090)	Feb. 16, 1973
New Jersey:	
AQ–2054 (AQ–2077)	Feb. 8, 1974
AQ–2073 (AQ–2077)	Mar. 1, 1974
Texas:	
AM–7487 (AQ–87)	Nov. 12, 1971

Signed at Washington, D.C., this 8th day of March 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Georgia
DECISION NO.: AQ-4089
COUNTY: *See Below
DATE: See Date of Publicatic
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole & Terrell, Georgia.

47-R-GA-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$3.90				
Bricklayers	4.94				
Carpenters	3.75				
Cement masons	2.75				
Electricians	3.50				
Ironworkers:					
Structural, ornamental & reinforcing	3.00				
Laborers:					
Laborers (unskilled)	2.00				
Mason tenders	2.25				
Mortar mixers	2.25				
Pipelayers	2.25				
Plasterers' tenders	2.00				
Lathers	3.25				
Painters, brush	3.00				
Plasterers	4.00				
Plumbers & Pipefitters	4.50				
Roofers	3.50				
Sheet metal workers	3.00				
Soft floor layers	3.00				
Tile setters	4.40				
Truck drivers	2.00				
Welders - rate for craft.					
Power Equipment Operators:					
Asphalt spreader	2.00				
Backhoe	3.75				
Bulldozer	3.11				
Concrete spreader	2.00				
Crane, derrick and dragline	2.50				
Hoist	2.75				
Mechanic	3.25				
Motor grader	2.75				
Pan operator	2.50				
Tractor operator	2.20				

NEW DECISION

STATE: Maryland
DECISION NO.: AQ-2075
COUNTIES: Wicomico
DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family houses and garden type apartments up to and including 4-stories.

22-MD-R-1-a

Residential Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$7.75				
Carpenters	3.75				
Cement masons	4.00				
Dry wall	6.14				
Electricians	3.50				
Laborers:					
Laborers	2.45				
Mason tenders	4.15				
Mortar mixers	2.35				
Asphalt rakers	3.25				
Painters, brush	3.50				
Plumbers	4.23				
Sheet metal workers	3.25				
Truck drivers	2.25				
Roller	4.25				
Hi-Grade finisher	4.37				
Power Equipment Operators:					
Backhoe	3.17				
Grader	4.25				
Crane	3.75				
Loader	3.00				
Bulldozer	3.25				
Forklift	3.05				

STATE: Maryland COUNTIES: Frederick
DECISION NO.: AQ-2076 DATE: Date of publication
DESCRIPTION OF WORK: Residential construction consisting of single family houses and garden type apartments up to and including 4-stories.

10-MD-R-1-a

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	3.89				
Bricklayers	6.25				
Carpenters	4.25				
Cement masons	6.50				
Dry wall finishers & hangers	5.00				
Dry wall tapers	3.00				
Electricians	3.80				
Laborers	2.81				
Mason tenders	3.50				
Painters	3.75				
Plasterers	3.70				
Plumbers	4.00				
Roofers	3.20				
Sheet metal workers	3.82				
Soft floor layers	2.93				
Tile setters	4.00				
Tile setters helpers	3.50				
Truck drivers	3.50				
Power Equipment Operators:					
Backhoe	3.88				
Bulldozer	4.00				
Gradall	4.00				
Loader	3.50				
Scrapers	3.42				

NEW DECISION

STATE: Pennsylvania COUNTY: Sullivan
DECISION No.: AQ-2,070 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

57-PA-1- L 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
Asbestos workers	$8.49	.50	.35		.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Bricklayers	7.85	.30				
Carpenters:						
Benton Air Force Base	7.95	.25	.25		.02	
Remainder of County	7.45	.25	.25		.02	
Cement masons	8.00					
Electricians:						
Eastern part of County	8.15	.30	1% + .35	.35	.03	
Western part of County	8.54	.28	1%	.30	.02	
Ironworkers	8.87	.64	1.06		.10	
Laborers:						
Unskilled & Window washers	6.52	.25	.25			
Mason tenders incl. scaffold builders	6.92	.25	.25			
Semi-skilled: Pneumatic, electrical & mechanical tool ops., under the jurisdiction of the laborers - 2" pumps-non-metallic pipelaying & making of joints clay. terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blasters helpers. power buggies, walk along hoist.	6.72	.25	.25			
Plaster tenders, blasters & wagon drill operators	6.84	.25	.25			
Wrecking & demolition	6.62	.25	.25			
Line Construction:						
Linemen & cable splicer	9.04	.20	1%			
Groundman-truck driver	6.41	.20	1%			
Groundman	6.15	.20	1%			
Millwrights	8.79	.25	.25		.02	
Painters:						
Eastern part of County:						
Brush	6.85	.30	.20			
Tapers	7.11	.30	.20			
Hazardous	8.11	.30	.20			
Western part of County:						
Brush	6.70		.20			
Steel	7.00		.20			
Spray	7.40		.20			
Plasterers	8.05					
Plumbers	7.95	.38	.30	.20	.02	
Roofers	7.60	.50	.40			
Sheet metal workers	7.87	.25	.30		.04	
Soft floor layers	7.39	.25	.25		.02	
Piledrivermen	9.42	1.23	.55		.07	

AQ-2,070 P. 2

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sprinkler fitters	$9.05	.40	.60		.07
Steamfitters	7.95	.38	.30	.20	.02
Stonemasons	7.85	.30			
Terrazzo Workers	7.05				
Welders - rate for craft					

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-22-PEO-1-D 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP I					
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%
WAGE GROUP II					
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%
WAGE GROUP III					
Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%
WAGE GROUP IV					
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%
WAGE GROUP V					
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

PA-22-PEO-1-D 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP VII					
All machines with booms (including jib, masts, leads, etc.):					
100 ft. and over	$9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

NEW DECISION

STATE: West Virginia
DECISION NO.: AQ-2051
COUNTY: Wayne
Date: DATE OF PUBLICATION
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories)

50-W. Va.-1-G 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.45	.30	.25		.03	
Boilermakers	8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Bricklayers	8.60		.20		d	
Carpenters	7.60	.30	.50		.03	
Cement masons	7.40	.45		.70		
Electricians:						
Electricians	8.10	.30	1% + .27	1.02	.04	
Elevator constructors	7.74	.17	.185	2%+e+f	.005	
Elevator constructors' helpers	5.42	.17	.185	2%+e+f	.005	
Elevator constructors' helpers (prob.)	3.87					
Ironworkers: Structural, Ornamental & Reinforcing	8.40	.50	.55		.01	
Laborers:						
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	5.70	.25	.25		.03	
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.00	.25	.25		.03	
Burner & powdermen, air track op., pipelayer	6.35	.25	.25		.03	
Lathers	7.45		.10			
Line Construction:						
Linemen	7.35	.20	1% + .17	.27	.02	
Groundmen	5.87	.20	1% + .17	.27	.02	
Mechanized Equipment operators	6.90	.15	1% + .17	.27	.02	
Marble setters	7.35		.20		d	
Marble setters' helpers	6.075		.20		d	
Painters:						
Commerical	5.76	.20	.25		.02	
Industrial	6.71	.20	.25		.02	
Piledrivermen	7.85	.30	.50		.03	
Plasterers	7.40	.45		.70	.01	
Plumbers	8.62	.40	.60		.02	
Roofers	7.45		.10			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet metal workers	8.34	.20	.25		.01	
Sprinkler fitters	9.05	.40	.60		.01	
Steamfitters	8.62	.40	.60		.02	
Stonemasons	8.60		.20		d	
Terrazzo workers	7.35		.20		d	
Terrazzo workers' helpers	6.075		.20		d	
Tile setters	7.75		.20		d	
Tile setters' helpers	6.075		.20		d	
Truck drivers:						
Pick-ups, stationwagons, panel trucks; body material; dumps (to 5 cu. yds.)	6.60	a	c	b		
Tank trucks (Straight)	6.70	a	c	b		
Dumps (5 cu. yds. & Over); Semi-dumps; trailers; agitators or mixer truck (to 5 cu. yds.); tank trucks (semi)	6.85	a	c	b		
Low Boy trailers; Winch Trucks; Fork Trucks; Discributor Trucks (Front End & Back End); Truck Crane Driver; Monorail Truck	6.90	a	c	b		
Agitator or Mixer Truck (5 cu. yds. & over)	7.00	a	c	b		
Euclid; Dumpster; Trunarocker; Ross Carriers; Athey wagons; A-Frames; Hydrolift; Dual Purpose Trucks	7.25	a	c	b		
Welders - rate for craft						

PAID HOLIDAYS:
A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $28.50 per month for employees employed over 30 days.

b. Employees working a minimum of 480 hours receive 1 hour pay for each 40 hours worked with limit to 52 hours pay.

c. $26.00 per month for employees employed over 30 days.

e. 6 paid holidays.

f. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contribution of $25.00 per year.

BUILDING CONSTRUCTION

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18,000 pound line pull or over	$8.95	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.45	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.05	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	7.65	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.95	.25	.35		.04

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4,034 - Mod. #3 (38 FR 32344 - November 23, 1973) Jefferson County, Alabama						
Change: Description of Work issued in Mod. #1 to read: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).						
Omit: Highway Construction (excluding Airport Construction) schedule						
DECISION #AQ-4,027 - Mod. #3 (38 FR 29155 - October 19, 1973) Mobile County, Alabama						
Change: Description of Work issued in original decision to read: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).						
Omit: Highway, Road, Street & Paving Construction (excluding airports) schedule						

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2029 - Mod. #3 (38 FR 31774 - November 16, 1973) Statewide Delaware						
CHANGE:						
Boilermakers (New Castle Co.)	$9.12	.50	1.00	.25	.01	
Ironworkers:						
Structural, ornamental, reinforcing, riggers & machinery movers	8.95	.64	1.06		.05	
Plumbers (New Castle Co., & Kent Co., North of the sourthern boundary of Dover City)	8.30	.65	.60	.75+j	.05	
Steamfitters & pipefitters (New Castle & Kent Cos., north of the sourthern boundary of Dover City)	8.67	.585	.715	.0813+c	.05	
Steamfitters (Sussex Co. & Kent Co., south of the sourthern boundary of Dover City)	7.91	.45	.35	1.25+d	.02	
DECISION #AP-1001 - Mod. #4 (38 FR 15294 - June 8, 1973) Will County, Illinois						
CHANGE:						
Electricians	$9.78	.25	1%+.20	.57	.2%	
Line Construction:						
Linemen	9.78	.25	1%+.20	.57	.2%	
Cable Splicers	10.18	.25	1%+.20	.57	.2%	
DECISION #AP-1011 - Mod. #4 (38 FR 15329 - June 8, 1973) Will County, Illinois						
CHANGE:						
Electricians	7.60	.25	1%+.20	.57	.2%	
Line Construction:						
Linemen	9.78	.25	1%+.20	.57	.2%	
Cable Splicers	10.18	.25	1%+.20	.57	.2%	
DECISION #AQ-17 - Mod. #5 (38 FR 21078 - August 3, 1973) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						
Change:						
Heavy & Highway Construction:						
Carpenters & piledrivermen	$6.55	.31				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4021 - Mod. #1 (38 FR 28519 - October 12, 1973) Fayette County, Kentucky					
Change:					
Painters:					
Brush	$7.40				
Hazardous	7.90				
Spray	8.15				
DECISION #AQ-4022 - Mod. #1 (38 FR 28522 - October 12, 1973) Jefferson County, Kentucky					
Change:					
Bricklayers:					
Bricklayers and concrete block layers	8.48	.25	.40		
Caulkers	8.48	.25	.40		
Cleaners	8.48	.25	.40		
Pointers	8.48	.25	.40		
Stone masons	8.48	.25	.40		
Electricians, linemen and hole digger:					
Zone 1 (within 26 mile radius of 3rd & Broadway, Louisville)	9.38	.29	1%		¼ of 1%
Zone 2 (over 26 mile radius)	9 78	.29	1%		¼ of 1%
Groundmen:					
Zone 1	5.82	.29	1%		¼ of 1%
Zone 2	6.17	.29	1%		¼ of 1%
Glaziers	7.40	.35	.35		
Lathers	8.19		.20		.01
Marble, tile and terrazzo workers	7.95	.25	.40		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-76 - Mod. #1 (39 FR 4306 - February 1, 1974) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Bricklayers-Stonemasons:						
Evangeline, Pointe Coupee and St. Landry Parishes	$6.68					
St. Tammany (north half including Covington north of Highway #190) and Washington Parishes	6.75					
Carpenters:						
Carpenters:						
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) and Vermilion Parishes	6.55					
Millwrights:						
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) and Vermilion Parishes	7.275					
Cement masons:						
St. Tammany (northern half including Covington north of Highway #190) and Washington Parishes	5.85					

MODIFICATIONS P.5

DECISION #AQ-76 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Glaziers:						
Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway #22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway #51), Terrebonne and Washington Parishes	$7.175	.17	.30		.01	
Allen (except northeast corner), Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	5.55					
Lathers:						
Acadia, Ascension, Assumption (that portion up to a 40 mile radius of Baton Rouge), East Baton Rouge, East Feliciana, Evangeline (that portion up to a 40 mile radius of Lafayette), Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. James (that portion up to a 40 mile radius of Baton Rouge), St. Landry, St. Martin, St. Mary (that portion up to a 40 mile radius of Lafayette), Vermilion, West Baton Rouge and West Feliciana Parishes	6.25		.29		.01	
Painters:						
Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) and Vermilion Parishes:						
Brush, wood or wall	5.85					
Industrial & steel	6.22					
Textone, paperhanging, wall covering & spray	6.10					
Plasterers:						
St. Tammany (northern half including Covington north of Highway #190) and Washington Parishes	6.20					
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion Parishes	6.05				.01	

MODIFICATIONS P.6

DECISION #AQ-76 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet metal workers:						
Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge and West Feliciana Parishes	$7.40	.18	.37		.12	
Tile setters:						
St. Tammany (northern half including Covington north of Highway #190) and Washington Parishes	6.75					
Power Equipment Operators:						
Acadia, Iberia (west of a line drawn from the City of Berwick to the junction of the Iberville-St. Landry Parishes border), Lafayette, St. Martin (west of a line drawn from the City of Berwick to the junction of the Iberville-St. Landry Parishes border), St. Mary (west of a line drawn from the City of Berwick to the junction of the Iberville-St. Landry Parishes border) and Vermilion Parishes:						
Heavy Duty Operators:						
Asphalt spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete mixer, over 16-S; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist (1 drum 4 stories); Hoist (2 drums or over); Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Well point system; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)	7.40	.25	.15			

DECISION #AQ-76 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Duty Operators:						
Air compressor; Asphalt plant operator; Bulldozers, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-S or less); Concrete saw; Distributors (bitum surface); Dowel bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)	$6.35	.25	.15			
Oiler	5.56	.25	.15			
Mechanic helper	5.80	.25	.15			
Oiler-Driver	6.06	.25	.15			
Scalemen	6.10	.25	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-77 - Mod. #1 (39 FR 4321 - February 1, 1974) Calcasieu Parish, Louisiana						
Change:						
Glaziers	$5.55					
DECISION #AQ-2022 - Mod. #3 (38 FR 29182 - October 19, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Asbestos workers	$7.65	.60	.50		.02	
Truck Drivers:						
Goose-necks, drop frame trailers	7.35	.50	.30	f&g		
All "A" frames, winch trucks, fork lifts & trailers	7.15	.50	.30	f&g		
Flat beds & pick-ups	6.70	.50	.30	f&g		
Helpers	6.40	.50	.30	f&g		
Mixer trucks with agitator of 12 yds. capacity	5.05	.50	.30	f&g		
Mixer trucks with agitator over 12 yds, capacity	5.48	.50	.30	f&g		
Euclid wagons & dumpsters	5.97	.50	.30	f&g		
Dump trucks	5.66	.50	.30	f&g		
Truck Drivers (Excavation):						
Dump truck	5.31	.35	.30	h&j		
Euclid wagons & dumpsters	5.62	.35	.30	h&j		
Drop-frame, goose-neck & trailer	5.51	.35	.30	h&j		
Pick-ups	5.13	.35	.30	h&j		
Helpers	5.18	.35	.30	h&j		

FOOTNOTE:

f. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation (provided the employee has worked 125 days in the previous contract year).

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2040 - Mod. #1 (39 FR 3396 - January 25, 1974) Anne Arundel County, Maryland						
CHANGE:						
Asbestos Workers	$7.65	.60	.50		.02	
Bricklayers (remainder of Co.)	8.95	.25		j		
Cement Masons (remainder of Co.)	8.95	.25		j		
Marbel Masons (remainder of Co.)	8.95	.25		j		
Plasterers (remainder of Co.)	8.95	.25		j		
Stonemasons (remainder of Co.)	8.95	.25		j		
Terrazzo Workers:						
The D. C. Training School	8.81	.40	.30			
Remainder of County	8.95	.25		j		
Tile Setters:						
The D. C. Training School	8.81	.40	.30			
Remainder of County	8.95	.25		j		
Truck Drivers:						
Goose-necks, drop frame trailers	7.35	.50	.30	f+g		
All "A" frames, winch trucks, fork lift and trailers	7.15	.50	.30	f+g		
Flat-beds & pick-ups	6.70	.50	.30	f+g		
Helpers	6.40	.50	.30	f+g		
Mixers with agitator of 12 yds. capacity	5.05	.50	.30	f+g		
Mixers with agitator over 12 yds. capacity	5.48	.50	.30	f+g		
Euclid wagons & Dumpsters	5.97	.50	.30	f+g		
Dump trucks	5.66	.50	.30	f+g		
FOOTNOTE:						
f. Employee with one year of service - 1 week's paid vaction; 2-years of service - 2 weeks paid vacation; 10 years of service 3 weeks paid vacation (provided the employee has worked 125 days in the previous contract year).						
OMIT:						
FOOTNOTES:						
d. Employer contributes .25 per hour not to exceed 40 hours per week.						
e. Employer contributes .20 per hour not to exceed 40 hours per week.						

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision #AQ-22 - Mod. #5 (38 FR 23735 - August 31, 1973) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma						
Change:						
Carpenters:						
Cleveland County (except that area covered by the city limits of Moore)						
Carpenters	$6.55	.20	.25		.02	
Power saw operator	6.80	.20	.25		.02	
Millwrights	6.80	.20	.25		.02	
Asbestos workers	7.75	.30	.50		.02	
Cement masons (Lincoln, Oklahoma, Cleveland and Canadian Counties)	7.13	.25				
Lathers	8.00				.01	
Plasterers	8.00				.01	
Tile setters	6.55		.20			
Terrazzo workers	6.55		.20			
Marble masons	6.55		.20			
Truck Drivers:						
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats	5.32					
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards and tail dumps	5.52					
Truck drivers and swampers, such as dump truck, flat beds, stake bodies, and 3/4 & 1/2 ton pick-up trucks	5.22					
DECISION #AQ-64 - Mod. #3 (38 FR 33904 - December 7, 1973) Tulsa County, Oklahoma						
Change:						
Plumbers	$7.80	.35	.40		.05	
Pipefitters	7.80	.35	.40		.05	
Sheet metal workers	7.66	.38	.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-489 - Mod. # 2						
(38 FR 6622 - March 9, 1973)						
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania						
Change:						
Power Equipment Operators						
Highway Construction :						
GROUP 1	$8.58	4.6%	9.5%		1.2%	
GROUP 2	7.73	4.6%	9.5%		1.2%	
GROUP 3	7.22	4.6%	9.5%		1.2%	
GROUP 4	6.77	4.6%	9.5%		1.2%	
GROUP 5	6.22	4.6%	9.5%		1.2%	
GROUP 6	8.83	4.6%	9.5%		1.2%	
	9.08	4.6%	9.5%		1.2%	
	9.33	4.6%	9.5%		1.2%	
DECISION AQ-2044 - Mod. # 1						
(39 FR 7015 - February 22, 1974)						
Northumberland County, Pennsylvania						
Change:						
Laborers:						
North of Susquehanna River	5.85	.20	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision # AQ-2050 - Mod. #1						
(39 FR 5938 - February 15, 1974)						
Schuylkill County, Pennsylvania						
Change:						
Laborers:						
Unskilled laborers & window cleaners	$5.20	.25	.10			
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdam (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal & power buggies	5.30	.25	.10			

MODIFICATIONS P.13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-40 - Mod. #5 (38 FR 29784 - October 26, 1973) Jefferson & Orange Counties, Texas						
Change:						
Lathers	$7.645	.30			.01	
DECISION #AQ-41 - Mod. #5 (38 FR 29786 - October 26, 1973) Jefferson & Orange Counties, Texas						
Change:						
Lathers	7.645	.30			.01	
DECISION #AQ-66 - Mod. #2 (38 FR 35574 - December 28, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Bricklayers	$7.84	.325	.30		.03	
Electricians	7.97	.28	1%+.34		.03	
Marble setters	7.35					
Sheet metal workers	7.95	.15	.25		.10	
Stonemasons	7.84	.325	.30		.03	
Terrazzo workers	7.35					
Tile setters	7.35					
DECISION #AQ-67 - Mod. #3 (38 FR 35577 - December 28, 1973) Harris County, Texas						
Change:						
Building Construction:						
Bricklayers	7.84	.325	.30		.03	

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-68 - Mod. #2 (38 FR 35580 - December 28, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change:						
Building Construction:						
Bricklayers	$5.57					
Electricians	5.86		1%		1%	
DECISION #AQ-70 - Mod. #2 (39 FR 1713 - January 11, 1974) Travis County, Texas						
Change:						
Building Construction:						
Electricians:						
Electricians	7.90		1%		.08%	
Cable splicers	7.90		1%		.08%	
Lathers	7.525	.20			.01	
Line Construction:						
Linemen	7.62	.28	1%		1/2%	
Groundmen	5.49	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.40	.28	1%		1/2%	
DECISION #AQ-71 - Mod. #1 (39 FR 1716 - January 11, 1974) El Paso County, Texas						
Change:						
Building Construction:						
Cement masons	4.755	.38			.03	
Power Equipment Operators: Fireman, Oiler; Mechanic, Grease Truck & Welder's Helper; Screedman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator & such as bin-a-batch; Rubber-tired farm-type tractors & tractors under 35 h.p. without attachments	4.71	.25	.20		.03	

DECISION #AQ-71 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Air Compressors, Power Plants, pumps & welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and Concrete batch plants, under 1 yard, gunnite & pumpcrete machines, mechanical bull floats, spreading & finishing machines, Diamond, rotary, core & cable drilling, well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift, Hydrocranes, winch truck, Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; fork lift and lumber staker on construction job site, Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 h.p. with attachments; and farm type tractor with back, or shovel type attachments	5.29	.25	.20		.03	
Concrete mixers 1 yard & over & batch plants 1 yard & over, single drum paving machines. Crushing plants. Drilling machines, 6 inches & over; Front End Loaders, 2 yards & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish	5.38	.25	.20		.03	

DECISION #AQ-71 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 h.p. and up	$5.43	.25	.20		.03	
Concrete Paving machines, double drum, Catcranes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building hoist 2 drum and up. Mechanic. Welder. Patrol, finsih	5.51	.25	.20		.03	
Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under	5.75	.25	.20		.03	
Guy and stiff leg derrick, Piledrivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons	5.91	.25	.20		.03	
Shaft and Tunnel Operations:						
Refrigeration, slusher, Jumbo form operators	5.38	.25	.20		.03	
Mucking machines	5.61	.25	.20		.03	
Mine Hoists	5.91	.25	.20		.03	

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-72 - Mod. #2 (39 FR 1719 - January 11, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change:						
Building Construction:						
Bricklayers	$5.57		1%		1%	
Electricians	5.86					
DECISION #AQ-73 - Mod. #2 (39 FR 1720 - January 11, 1974) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Marble setters:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.90					
Terrazzo workers:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.95					
Tile setters:						
Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.00					

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2035 - Mod. #4 (38 FR 35218 - December 21, 1973) Washington, D. C.						
OMIT:						
Sewer and Water Lines Schedule as originally issued						
ADD:						
Sewer and Water Lines Schedule						

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	8.05	.255	.28		.05	
Ironworkers, reinforcing	7.95	.35	.25		.03	
Piledrivermen	8.265	.30	.34		.07	
Plumbers	8.96	.50	.50		.15	
Power Equipment Operators:						
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 c.y. & over	7.29	.35	.35		.05	
Backhoes, cableways, cranes derricks, draglines, tunnel shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants, concrete pumps	7.04	.35	.35		.05	
Trenching machines (above 8's")	6.84	.35	.35		.05	
Backhoes (hydraulic, under ½ c.y.)	6.92	.35	.35		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	6.74	.35	.35		.05	
Air Compressors, tunnel	6.71	.35	.35		.05	
Front end loaders (high lift), Bulldozers	6.69	.35	.35		.05	
Concrete mixers, power sheel scoops and scrapers, mortor graders, tunnel motor men, blade graders, tunnel mechanics	6.59	.35	.35		.05	
Mechanics	6.57	.35	.35		.05	
Bulldozer, hydraulic tampers	6.49	.35	.35		.05	
Roller	6.39	.35	.35		.05	
Air compressors, pump, welding machines well points	6.315	.35	.35		.05	
Apprentice Engineers:						
Firemen	5.85	.35	.35		.05	
Truck crane oilers	5.70	.35	.35		.05	
Oilers	5.65	.35	.35		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Open Cut:					
Laborers, jackhammer rammers and spaders	$ 5.78	.28	.25		.03
Timbermen, sheeting-men, shoring-men, caulkers, pipelayers' helpers	5.93	.28	.25		.03
Bottom man	5.83	.28	.25		.03
Wagon drillers, air track drillers	6.13	.28	.25		.03
Pipelayers	6.13	.28	.25		.03
Rock drillers	5.88	.28	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackman, concrete man	6.415	.28	.25		.03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' helpers	6.715	.28	.25		.03
Miners, rodmen, re-bar underground concrete or gunite nozzlemen, powermen, timberman and re-timbermen wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill, riggers, cement finishers (undergroun), welders and burners, shield driver	7.365	.28	.25		.03
Mucking machine operator (air)	7.615	.28	.25		.03

COMPRESSED AIR: (all rates per day)

Gauge Pressure Pounds	Work Period				
From 1 to 14	7 hours	72.74	a	b	.03
From 14 to 18	6 hours	76.08	a	b	.03
From 18 to 22	5½ hours	79.41	a	b	.03
From 22 to 26	5 hours	82.76	a	b	.03
From 26 to 32	4 hours	86.09	a	b	.03
From 32 to 38	3 hours	89.44	a	b	.03
From 38 to 44	2½ hours	92.77	a	b	.03

MODIFICATIONS P. 21

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FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days and works three days in any work week.

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AQ-4088
COUNTY: *See Below
DATE: Date of Publication
Supersedes Decisions Nos.: AQ-4027 dated 38 FR 29155 October 19, 1973
AQ-4034 dated 38 FR 32344 November 23, 1973
AQ-4037 dated 38 FR 33214 November 30, 1973
AQ-4038 dated 38 FR 33215 November 30, 1973

DESCRIPTION OF WORK: Highway Construction, excluding Airport Construction.

	*ZONE I	*ZONE II	*ZONE III	*ZONE IV
	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES
Bricklayers	$3.65	$3.65	$3.25	$2.80
Carpenters	4.15	4.00	3.85	3.75
Carpenter's helpers	3.00	3.00	2.90	2.90
Concrete finishers	3.80	3.60	3.60	3.60
Concrete saw operators	2.45	2.45	2.40	2.30
Electricians	6.50	7.90	5.80	5.80
Ironworkers:				
Structural	5.79	5.70	5.60	5.60
Reinforcing	4.20	5.70	4.00	4.00
Laborers:				
Air tool operators	2.75	2.85	2.75	2.75
Asphalt rakers	3.30	3.30	3.30	3.10
Concrete laborers	2.80	3.00	2.75	2.70
Pipe layers	3.45	3.25	3.25	2.50
Powdermen and blasters	3.05	3.05	3.05	3.05
Saw operators	3.00	3.00	2.50	2.50
Side rail or form setters	3.50	3.50	3.05	3.05
Unskilled	2.40	2.35	2.30	2.25
Wagon drill operators	2.55	2.55	2.55	2.50
Painters	5.75	5.75	5.50	5.50
Piledrivermen	4.55	4.25	4.25	4.25
Truck drivers:				
Under 1-½ ton	2.50	2.50	2.40	2.30
Single rear axle	2.75	2.75	2.65	2.55
Multi-rear axle or heavy duty, off road, single axle	3.00	3.15	2.85	2.85
Winch truck and A-frame	3.15	3.15	3.15	3.15
Welders - Receive rate for craft				
Power Equipment Operators:				
Aggregate spreader operator	3.45	3.45	3.45	3.45
Air compressors	2.85	3.15	2.85	2.85
Asphalt distributors and asphalt spreaders	3.85	3.85	3.60	3.60
Asphalt mixers and pug mills and batch plants	3.30	3.44	3.30	3.30
Asphalt paving machines	3.85	3.85	3.60	3.60
Asphalt plant driers	3.30	3.44	3.30	3.30
Bulldozers	4.10	3.60	3.60	3.50
Bull floats	3.15	3.44	3.15	3.15
Concrete mixers (3-bags and under)	2.70	3.44	2.70	2.70
Concrete mixers (over 3-bags)	3.30	3.60	3.30	3.30
Concrete paving machines	$3.30	$3.60	$3.30	$3.30
Concrete paving finishing machines	3.30	3.60	3.30	3.30
Concrete paving spreaders	3.30	3.60	3.30	3.30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.40	4.85	3.95	4.15
Conveyors	2.70	3.13	2.70	2.70
Crusher and screening plants	3.30	3.44	3.30	3.30
Drilling machines	3.60	3.30	3.30	3.30
Elevating graders, Gradalls or Trenching machines	4.35	4.00	3.60	3.60
Firemen	2.70	3.15	2.70	2.70
Form graders	2.70	2.70	2.70	2.70
Hoist (2-drums or 2-cages or more)	3.30	3.60	3.30	3.30
Hoist (1-drum)	3.15	3.44	3.15	3.15
Mechanics	4.00	4.40	3.60	3.60
Motor patrols	4.45	4.30	3.95	3.95
Oilers and greasemen	3.45	3.20	3.15	3.00
Paving subgraders	3.15	3.15	3.15	3.15
Piledrivers	3.66	4.30	3.66	3.66
Pumps	2.70	2.70	2.70	2.70
Pumpcretes	3.15	3.15	3.15	3.15
Rollers, self-propelled	3.35	3.30	3.10	3.10
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4.00	3.60	3.60
Scale operators	2.70	2.70	2.70	2.70
Scalemen	2.70	2.70	2.70	2.70
Scrapers	4.10	3.60	3.60	3.50
Seeding and mulching machines	2.70	3.35	2.70	2.70
Striping machines (paint)	3.40	3.40	3.30	3.30
Tractors and loaders (farm rubber tired)	3.10	3.35	2.75	2.75
Tractors and loaders (80 H.P. or less (draw-bar capacity)	3.10	3.40	2.75	2.75
Tractors and loaders (over 80 H.P.)	4.00	3.60	3.50	3.30

Counties:

*Zone I: Jefferson

*Zone II: Mobile

*Zone III: Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker.

*Zone IV: Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox and Winston Counties, Alabama.

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: AQ-1092 DATE: Date of Publication
Supersedes Decision No. AQ-1002 dated July 13, 1973, in 38 FR 18832.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05
BRICK, BLOCK & STONEMASONS' TENDERS	6.37	.40	1.00	.40	
CARPENTERS:					
Carpenters	7.51	.56	.75	.50	.02
Piledrivermen	7.64	.56	.75	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.75	.50	.02
CEMENT MASONS:					
Cement masons	6.74	.55	.96	.75	.045
Cement masons color work-curb machine operator	6.865	.55	.96	.75	.045
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	1%+.23		
Cable splicers	10.02	.48	1%+.23		
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.05	.35	.30		
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%
LATHERS (northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	
LATHERS (Remainder of County)	8.03	.30	.50		
LINE CONSTRUCTION:					
Linemen	9.72	.48	1%+.23		
Cable splicers	10.02	.48	1%+.23		
MARBLE SETTERS	7.26	.55	.65	.60	
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$7.43	.49	.39	.60	.03
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.27	.20	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b	
PLASTERERS	8.15	.45	.75		.06
PLASTERERS' TENDERS	7.70	.40	1.00	.50	
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%
ROOFERS	7.14	.40	.25	1.00	
SHEET METAL WORKERS	9.13	.69	1.15		
SOFT FLOOR LAYERS	7.90	.45	.63	.60	.05
SPRINKLER FITTERS	11.30	.40	.60		.07
TERRAZZO WORKERS	7.26	.55	.65	.60	
TILE SETTERS	7.26	.55	.65	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years' but less than 10 years' service, $.40 per hour after ten years' service.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$7.28	.75	1.50	.30	.02
GROUP 2:	7.52	.75	1.50	.30	.02
GROUP 3:	7.76	.75	1.50	.30	.02
GROUP 4:	7.87	.75	1.50	.30	.02
GROUP 5:	8.06	.75	1.50	.30	.02
GROUP 6:	8.16	.75	1.50	.30	.02
GROUP 7:	8.26	.75	1.50	.30	.02
GROUP 8:	8.40	.75	1.50	.30	.02
GROUP 9:	8.50	.75	1.50	.30	.02

POWER EQUIPMENT OPERATORS
DREDGING
(Hydraulic Suction Dredges)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$8.65	.75	1.50	.30	.015
WATCH ENGINEER; Welder	8.16	.75	1.50	.30	.015
DECKMATE	7.76	.75	1.50	.30	.015
WINCHMAN (stern winch or dredge)	7.70	.75	1.50	.30	.015
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	7.24	.75	1.50	.30	.015
DREDGING (Clam Shell Dredges)					
LEVERMAN	8.65	.75	1.50	.30	.015
WATCH ENGINEER	8.16	.75	1.50	.30	.015
DECKMATE	7.76	.75	1.50	.30	.015
BARGEMATE	7.70	.75	1.50	.30	.015
BARGEMAN; Deckhand; Fireman; Oiler	7.24	.75	1.50	.30	.015

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.495	.40	1.15	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	5.545	.40	1.15	.50	.10
GUINEA CHASER	5.575	.40	1.15	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.595	.40	1.15	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.62	.40	1.15	.50	.10
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.625	.40	1.15	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.645	.40	1.15	.50	.10
CESSPOOL DIGGER AND INSTALLER	5.675	.40	1.15	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
DRILLERS, all others where drilling is for use of explosives	5.785	.40	1.15	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

LABORERS
(TUNNEL and SHAFT WORK)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULL GANG; Concrete crew (incls. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen to tunnel work)	$5.785	.40	1.15	.50	.10
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	5.885	.40	1.15	.50	.10
GROUT GUNMEN	5.985	.40	1.15	.50	.10
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highway and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (Wood or steel); Steel form raisers and setters	6.035	.40	1.15	.50	.10
SHAFT AND RAISE MINER	6.285	.40	1.15	.50	.10
GUNITE WORKERS:					
Nozzlemen and Rodmen	6.225	.40	1.15	.50	.10
Gunmen	5.905	.40	1.15	.50	.10
Reboundmen	5.485	.40	1.15	.50	.10

AQ-1092 P. 8

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type),

POWER EQUIPMENT OPERATORS(CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: AQ-1093 DATE: Date of Publication
Supersedes Decision No. AQ-1003 dated July 13, 1973, in 38 FR 18839.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05
BRICK, BLOCK & STONEMASONS' TENDERS	6.37	.40	1.00	.40	
CARPENTERS:					
Carpenters	7.51	.56	.75	.50	.02
Piledrivermen	7.64	.56	.75	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.75	.50	.02
CEMENT MASONS:					
Cement masons	6.74	.55	.96	.75	.045
Cement masons color work-curb machine operator	6.865	.55	.96	.75	.045
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	1%+.23		
Cable splicers	10.02	.48	1%+.23		
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.05	.35	.30		
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%
LATHERS (northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	
LATHERS (Remainder of County)	8.03	.30	.50		
LINE CONSTRUCTION:					
Linemen	9.72	.48	1%+.23		
Cable splicers	10.02	.48	1%+.23		
MARBLE SETTERS	7.26	.55	.65	.60	
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$7.43	.49	.39	.60	.03
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.27	.20	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b	
PLASTERERS	8.15	.45	.75		.06
PLASTERERS' TENDERS	7.70	.40	1.00	.50	
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%
ROOFERS	7.14	.40	.25	1.00	
SHEET METAL WORKERS	9.13	.69	1.15		
SOFT FLOOR LAYERS	7.90	.45	.63	.60	.05
SPRINKLER FITTERS	11.30	.40	.60		.07
TERRAZZO WORKERS	7.26	.55	.65	.60	
TILE SETTERS	7.26	.55	.65	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service. $.40 per hour after ten years' service.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$7.28	.75	1.50	.30	.02
GROUP 2:	7.52	.75	1.50	.30	.02
GROUP 3:	7.76	.75	1.50	.30	.02
GROUP 4:	7.87	.75	1.50	.30	.02
GROUP 5:	8.06	.75	1.50	.30	.02
GROUP 6:	8.16	.75	1.50	.30	.02
GROUP 7:	8.26	.75	1.50	.30	.02
GROUP 8:	8.40	.75	1.50	.30	.02
GROUP 9:	8.50	.75	1.50	.30	.02

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.495	.40	1.15	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	5.545	.40	1.15	.50	.10
GUINEA CHASER	5.575	.40	1.15	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.595	.40	1.15	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.62	.40	1.15	.50	.10
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.625	.40	1.15	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.645	.40	1.15	.50	.10
CESSPOOL DIGGER AND INSTALLER	5.675	.40	1.15	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
DRILLERS, all others where drilling is for use of explosives	5.785	.40	1.15	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type),

POWER EQUIPMENT OPERATORS (CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck), Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: AQ-4090 DATE: Date of Publication
Supersedes Decision No. AP-158 dated February 16, 1973 38 FR 4636.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories),, heavy construction.

25-Mississippi -1-I 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$7.35	.30				
Boilermakers	7.13	.40	.70		.01	
Bricklayers	6.22				.02	
Carpenters:						
Carpenters	6.00	.25	.10		.05	
Millwrights	6.35	.25	.10		.05	
Piledrivermen	6.35	.25	.10		.05	
Soft floor layers	6.00	.25	.10		.05	
Cement masons	5.35	.25				
Traveling and/or floating machine & power grinders operators	5.25	.25				
Electricians	6.85		1%+.50		1/10 of 1%	
Cable splicers	7.10		1%+.50		1/10of1%	
Elevator Constructors	6.13	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	4.29	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers prob.	3.065					
Glaziers	5.20					
Ironworkers:						
Structural, ornamental and reinforcing	6.40	.30	.25		.04	
Laborers:						
Laborers unskilled, wrecking and demolition	3.70	.10	.10			
Mortar mixers, mechanical tools motorized (George buggy op.)	3.95	.10	.10			
Brickmason tenders, cement and plasterer tenders, sewer pipe layers	3.85	.10	.10			
Line Construction:						
Linemen	7.06		1%	c		
Groundmen (over 1 year)	4.29		1%	c		
Groundmen (less than a year)	3.95		1%	c		
Cable splicers (Electric)	7.36		1%	c		
Lathers	6.25				.01	
Marble masons	3.80					
Painters:						
Brush	5.05	.15				
Structural steel (brush)	5.30	.15				
Spray	5.55	.15				
Swing stage	5.30	.15				
Paperhangers	5.05	.15				
Structural steel (spray)	5.80	.15				
Plasterers	6.05	.25			.01	
Plumbers and steamfitters	7.22	.10	.30			
Roofers	5.85					
Helpers	4.15					
Sheet metal workers	5.85	.25				
Sprinkler fitters	8.20	.40	.60		.07	
Stone masons	6.22				.02	
Terrazzo workers	3.80					
Tile setters	3.80					
Truck drivers:						
1½ to 5 tons	3.75					
Over 5 tons	4.40					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. One week paid vacation after one year's service.

HEAVY CONSTRUCTION

AQ-4,090 P. 3

.25-MS--MISSISSIPPI A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Carpenters	$2.25				
Cement Masons	2.25				
Laborers:					
Unskilled	1.60				
Air Tool Operator	1.60				
Mason Tenders	1.75				
Pipelayers	1.75				
Truck Drivers	1.60				
Power Equipment Operators:					
Air Compressors	1.65				
Cranes, Derricks & Draglines	2.50				
Bulldozers	2.50				
Graders	2.25				
Backhoe	2.25				
Mixers-concrete	1.60				
Oilers	1.75				
Pumps	1.60				
Rollers	1.60				
Shovels	2.25				
Trenching Machine	2.25				
Tractors:					
Track	2.25				
Wheel	1.60				

AQ-4,090 P. 4

Mississippi-1-PEO 1 -J

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group A					
Engineer, operating under air pressure	$7.05	.25	.25		
Group B					
Mechanic	6.10	.25	.25		
Group C					
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 c.f. or larger), Pile driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching machine (over 18" bucket line width), Turna-pull (Dw-10 and similar pull type scrapers), Traxcavator and similar end-loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well driller, Well point pumps	5.85	.25	.25		
Group D					
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth), Finishing machine, Fireman, Forklift (over 2 ton and less than 5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Pay-loader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching machine (18" or smaller bucket line width), Tug-boat, Well driller (1st helper), Winch truck & tractor, small Rubber-Tired with Backhoe attachment	5.40	.25	.25		
Group E					
Air compressor, Batch scale, Deckhand, Forklift (2 ton & under), Form grader, Locomotive hostler, Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scowman, Tractor (w/ attachments), Welding machine	4.70	.25	.25		
Booms, including jib:					
25¢ per hour above regular rate - 100 feet to and including 200 feet.					
50¢ per hour above regular rate - 201 feet to and including 300 feet.					
75¢ per hour above regular rate - 301 feet and above.					
Operators servicing other crafts shall draw rate of pay not less than journeyman rat of craft being serviced.					

Mississippi-1-TD G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP A					
Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cycles, Bicycles, Truck Spotters, Teamsters, Team Drivers	$5.04	.28	.25		
GROUP B					
1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and "A" Frame Trucks	5.51	.28	.25		
GROUP C					
5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross carriers dempsey dumps, euclid trucks, fork-lift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment	6.55	.28	.25		
GROUP D					
Truck and Auto Mechanic	7.12	.28	.25		
GROUP E					
Truck Drivers Helpers, Unloaders, Unloading and handling creosote or coppertox Material	5.04	.28	.25		
GROUP F					
Truck Drivers Helper	4.41	.28	.25		

SUPERSEDEAS DECISION

STATE: NEW JERSEY

COUNTY: PASSAIC

DECISION NO.: AQ-2,077

DATE: Date of Publication

Supersedes Decision No. AQ-2,054 dated February 8, 1974 in 39 FR 5146 and AQ-2073 dated March 1, 1974 in 39 FR 8123.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

16-N.J.-1-2-3-W 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.202	.5803	.4974		.02
Boilermakers	8.35	8%	12½%	10%	.01
Boilermakers' helpers	7.82	8%	12½%	10%	.01
Bricklayers, cement masons, plasterers and stone masons	8.80	.50	.65		.02
Carpenters and Insulators	9.29	6%	6%		.02
Millwrights	9.54	6%	6%		.02
Electricians	9.60	.38	10%+.48	.96	
Elevator constructors	8.68	.075	.125+a	b+c	.015
Elevator constructors' helpers	6.51	.075	.125+a	b+c	.015
Elevator constructors' helpers (prob.)	4.34				
Elevator constructors' modernization	7.91	.075	.125+a	b+c	.015
Elevator constructor' modernization helpers	5.93	.075	.125+a	b+c	.015
Elevator constructors repair	7.08	.075	.125+a	b+c	.015
Elevator constructors repair helpers	5.29	.075	.125+a	b+c	.015
Glaziers	8.27	.45	.70		.01
Ironworkers:					
Structural, ornamental and reinforcing	9.15	.64	2.11	.90	.09
Laborers, Building:					
Laborers	6.65	.50	.55		
Air tool op. (jackhammer, Vibrator)	6.65	.50	.55		
Mason tenders	6.65	.50	.55		
Mortar mixers	6.65	.50	.55		
Plasterers' tender	6.65	.50	.55		
Pipelayers (concrete and clay)	6.65	.50	.55		
Lathers	6.65	.25	.25		.01
Lead burners	8.75	.30		e	.01
Line Construction:					
Linemen	9.70	4%	6%	.97	
Groundmen	6.79	4%	6%	.97	
Equipment operators	9.70	4%	6%	.97	
Cable splicers	10.50	4%	6%	.97	
Marble setters	7.40	.63	.66+h		
Marble setters' helpers	6.93	6½%	.66+h		
Painters:					
Commerical & Industrial	7.55	f	f+.25	.25	
Steel	8.05	f	f+.25	.25	
High hazardous work and bridge	8.05	f	f+.25	.25	
Piledrivermen and Dock builders	9.36	.90	1.53	.56	.02
Plumbers	8.65	.475	.91	1.00	.04
Roofers:					
Composition	9.20	5%	1.00		
Slate and tile	8.45	.35	.60		
Slate and tile helpers	6.65	.35	.60		

16-N.J.-1-2-3-W 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	$ 8.70	4%	4%	8%	
Soft floor layers	8.53	6%	5%	4%	
Sprinkler fitters	10.12	.40	.60		.07
Steamfitters	8.65	.475	.91	1.00	.04
Terrazzo workers	8.40	.925	4.75		
Terrazzo workers' helpers	6.63	.925	4.75		
Terrazzo workers' machine operators	6.78	.845	4.75		
Tile setters	5.88	4%	4%	2%	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day: D-Labor Day; E-Thanksgiving Day: F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks' vacation after 4 years work.

e. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 14% combined to pension, health & welfare.

g. Employer contributes 1% to Temporary Disability Fund.

h. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Laborers, Asphalt					
Streets:					
Head rakers	$6.40	.46	.39	a	
Rakers	6.25	.46	.39	a	
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	6.00	.46	.39	a	
Plant:					
Scale mixer and burner men	6.25	.46	.39	a	
Feeders and dust men	6.00	.46	.39	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Elect Day; providing an employee works or is available for work 3 days in the work wee in which the holiday falls.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.60	.41	.64	a	
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a	
Timberman	7.20	.41	.64	a	
Form setter	7.15	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a	
Wagon drill op. and drill master	7.05	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a	
Signal man	6.75	.41	.64	a	
Wrapping and coating of all pipe	6.55	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a	
Rakers and tampers on cold patch work	6.50	.41	.64	a	
FREE AIR TUNNEL WORK	Daily Rates				
Blasters	$63.77	.41	.59	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a	
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Elect Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

New Jersey 1-PEO-1-2- 1 of 3

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a	
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a	

New Jersey 1-PEO-1-2-

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd)					
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	$7.90	10%+7%	7%	a	
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.10	10%+7%	7%	a	
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, giraffe grinders, hoppers, silos, hopper doors (motorized)	7.35	10%+7%	7%	a	
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower					

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd)					
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a	
Oilers, greaser	6.60	10% + 7%	7%	a	
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a	
WATER OPERATIONS:					
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:					
Captain-Tug master	7.80	10% + 7%	7%	a	
Deckhand	6.50	10% + 7%	7%	a	

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete-paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeToufneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

NEW JERSEY-2-TD-1-2-3- P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	5.68	.95		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.95		a+b		
Straight three-axle materials: trucks and floats	5.48	.95		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.95		a+b		
Mechanics helpers	5.20	.95		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Hunt, Kaufman & Rockwall

DECISION NO.: AQ-87

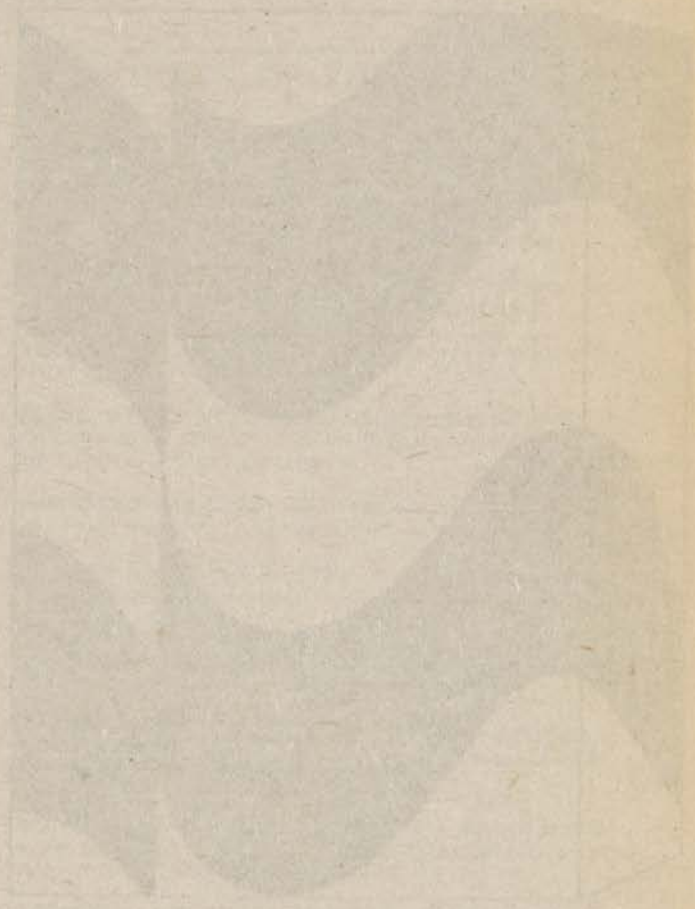
DATE: Date of Publication

Supersedes Decision No. AM-7487, dated November 12, 1971, in 36 FR 21736.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEATING & AIR CONDITIONING MECHANICS	$4.30					
BRICKLAYERS	6.00					
CARPENTERS	4.90					
CEMENT MASONS	4.74					
ELECTRICIANS	4.34					
FORM SETTERS	4.25					
IRONWORKERS, REINFORCING	4.25					
LABORERS:						
Laborers	2.87					
Mason tenders	3.63					
LATHERS	6.32					
PAINTERS, BRUSH	4.34					
PLASTERERS	6.35					
PLUMBERS & PIPEFITTERS	4.99					
ROOFERS	4.00					
SHEET METAL WORKERS	4.30					
SOFT FLOOR LAYERS	4.00					
TILE SETTERS	4.59					
TRUCK DRIVERS	3.00					
POWER EQUIPMENT OPERATORS:						
Asphalt paving machines	3.50					
Asphalt rakers	3.25					
Bulldozers	3.84					
Backhoes	4.03					
Front end loaders	3.25					
Tractors	3.50					
Motor graders	4.00					
Rollers	3.50					
Scrapers	4.50					

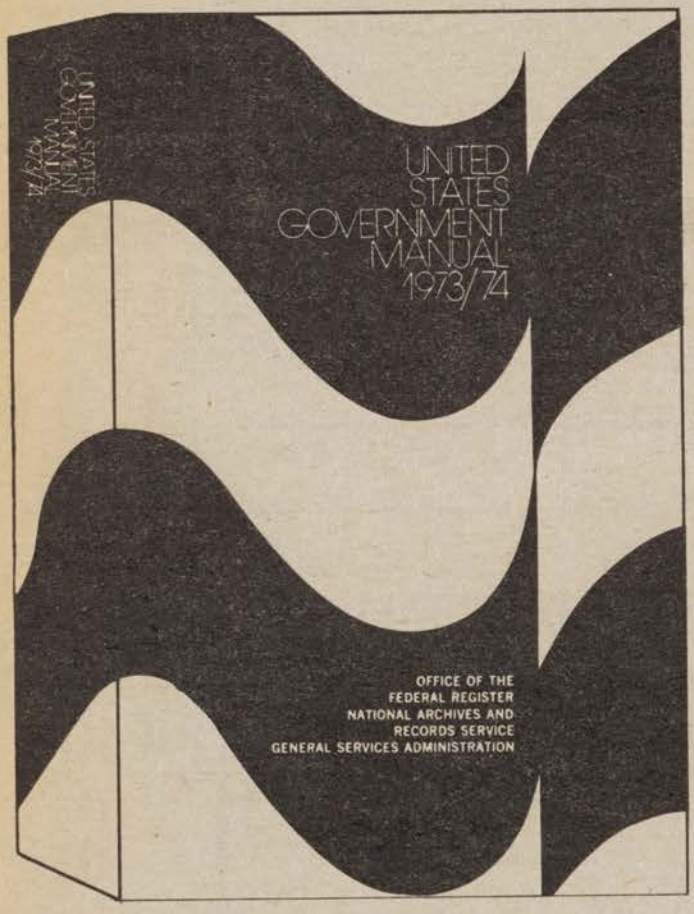
[FR Doc.74-5810 Filed 3-14-74;8:45 am]



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