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PART I

March 21, 1974—Pages 10547–10870

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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Title 7—Agriculture

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

[Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Increase in Expenses

This document amends the budget of the Florida Tomato Committee and authorizes the committee to spend not more than $157,000 for its operations during the fiscal period ending July 31, 1974.

The committee was established under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the March 7 FEDERAL REGISTER (39 FR 8937) regarding the proposal. It afforded interested persons an opportunity to file written comments not later than March 14, 1974. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following should be issued:

Expenses, as amended. In § 966.210 (38 FR 29214) paragraph (a) is hereby amended as follows:

§ 966.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $157,000.

* * * * *

It is hereby found that good cause exists for not postponing the effective date of this section until April 22, 1974 (5 U.S.C. 553) since it is urgent that the funds be made available as soon as possible for a market research project prior to the end of the shipping period.

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

Dated: March 15, 1974.

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

[FR Doc. 74-6542 Filed 3-20-74;8:45 am]

[Milk Order No. 79]

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 8165) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of March 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.14, the word "distributing", which appears twice in the preamble, three times in paragraph (a) and twice in paragraph (b); and in paragraphs (a) and (b), the words "50 percent in September through March and 100 percent in April through August of".

STATEMENT OF CONSIDERATION

This suspension action relaxes the limits on diversion of producer milk by the operator of a pool plant and by a cooperative association with respect to the milk of producers diverted for their respective accounts during the month of March 1974.

At present milk diverted by a cooperative association during the months of September through March may not exceed 50 percent of the larger of: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month. Similarly, the operator of a pool distributing plant may not divert more than 50 percent of the larger of: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk during the month, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month. Diversion of producer milk is presently restricted to pool distributing plant operators and cooperative associations diverting milk for their account.

Suspension action on diversion limits that apply to milk handled by a cooperative was requested by Mid-America Dairymen, Inc., a cooperative association representing the majority of producers on the Des Moines market.

Reserve milk supplies on the market have increased markedly in recent months. For example, producer milk pooled on the market during December 1973 was almost 30 percent greater than during December 1972, while producer milk utilized in Class I decreased by 2.7 percent during this same period. Consequently, the proportion of the milk associated with the Des Moines order that needs to be moved to nonpool manufacturing plants during March is greater than can be accommodated under the diversion limits provided in the order.

Relaxation of diversion privileges was considered, among other issues, at a hearing held in May of 1973, at which evidence was adduced to the effect that greater diversion allowances during all months of the year, applicable to proprietary handlers as well as to cooperative associations, is necessary. Therefore, in the notice of proposed suspension issued February 24, 1974 (39 FR 8165), data, views, and arguments were invited on the propriety of suspending the diversion limitations applicable to both cooperative associations and proprietary handlers as contained in § 1079.14 of the order.

A proprietary handler who filed data, views, and arguments requested that the diversion limit also be relaxed with respect to all pool plant operators. It is concluded that the diversion limits should be relaxed by suspension action during March, pending completion of such amendatory proceedings.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate handling of the market's reserve supply of milk during March 1974;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the month of March 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of March 1974.

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

Effective date: March 21, 1974.

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–6543 Filed 3–20–74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 129]

PART 1129—MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

This order suspending certain provisions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Austin-Waco marketing area.

It is hereby found and determined that for the months of April through July 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1129.20, which defines a "fluid milk product", the language "cultured sour cream."

STATEMENT OF CONSIDERATION

This action will continue through July 1974 the current suspension which results in milk used in cultured sour cream being classified under the order as Class II milk rather than Class I milk. The current suspension, which became effective October 1, 1973, expires March 31, 1974.

Continuation of the suspension was requested by a pool plant operator regulated under the Austin-Waco order. This handler sells sour cream in the Austin-Waco market in competition with handlers regulated under the North Texas and San Antonio Federal orders. Such orders classify milk used in sour cream in Class II. By continuing the present Class II classification of sour cream under the Austin-Waco order, the class price for milk in such use will remain closely aligned with the price of milk so used under such other orders.

In the Department's final decision issued February 19, 1974, (39 FR 8452, 8712, 9012), it was concluded that a uniform plan for classifying milk should be adopted in 32 markets, including the Austin-Waco and other Texas markets. Under this plan, sour cream would be included in the same class under all 32 orders. Final action on the 32-market proceeding is still pending. In this circumstance, the suspension of sour cream from the fluid milk product definition should be continued until the classification differences are resolved through the amendment procedure.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues a suspension now in effect. Moreover, it carries out the intent of a final decision issued by the Department on February 19, 1974, in which it was concluded that a uniform plan for classifying milk, including the same classification of sour cream, should be adopted for Austin-Waco and other Texas markets.

Therefore, good cause exists for making this order effective April 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through July 1974.

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

Effective date: April 1, 1974

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–6544 Filed 3–20–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instructions 471.2 and 471.3; AL–597(471)]

PART 1874—ASSIGNMENT OF INSURED MORTGAGES

Deletion of Part

"Assignment of Insured Mortgages," (31 FR 14239), is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The regulations contained in Part 1874 are obsolete as the Farmers Home Administration no longer assigns the mortgage with the sale of insured notes.

Inasmuch as this deletion does not have a direct effect on the public, and is a deletion of regulations no longer in use, it has been determined that the publication of the deletion of this part is unnecessary.

((7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442); Delegation of Authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective Date. This deletion shall be effective on March 21, 1974.

Dated: March 8, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–6540 Filed 3–20–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Amendments and Change Procedures for Facility Licenses and Authorizations

On August 24, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 22796) proposed amendments to its regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities. The proposed amendments to Part 50 would continue to permit facility licensees, pursuant to § 50.59 of Part 50, to make changes in the facility and perform tests and experiments not described in the safety analysis report without prior Commission approval unless the change, test or experiment involves an unreviewed safety question or a change in the technical specifications. For proposed changes, tests or experiments which involve an unreviewed safety question or a change in technical specifications, an amendment to the operating license would be required, pursuant to § 50.90. With respect to an application for amendment of a license which involves a significant hazards consideration, the Commission would act upon the application for amendment after giving notice of its proposed action, as required by section 189 of the Atomic Energy Act of 1954, as amended and § 2.105 of 10 CFR Part 2. Notice of issuance of an amendment which did not involve a significant hazards consideration would be published in the FEDERAL REGISTER pursuant to § 2.106 of 10 CFR Part 2.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments as published for comment.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Parts 50 and 115 are published as a document subject to codification.

1. Paragraph (a) of § 50.58 is revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for a construction permit or an operating license for a facility which is of a type described in § 50.21(b) or § 50.22, or for a testing facility, shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

* * * * *

2. Section 50.59 is revised to read as follows:

§ 50.59 Changes, tests and experiments.

(a) (1) The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident of malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commisison, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in § 50.21(b) or § 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

3. A sentence is added to the end of § 50.91 to read as follows:

§ 50.91 Issuance of amendment.

* * * In determining whether an amendment to a license or construction permit will be issued to the applicant the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

4. Paragraph (a) of § 115.46 is amended to read as follows:

§ 115.46 Hearing and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for an authorization to construct or operate a nuclear reactor subject to this part shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction authorization or operating authorization may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

* * * * *

5. Section 115.47 is revised to read as follows:

§ 115.47 Changes, tests and experiments.

(a) (1) The holder of an operating authorization may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests and experiments not described in the safety analysis report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident of malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident of malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made pursuant to paragraph (a) of this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report of constitute changes in procedures described in the safety analysis report. The holder of the authorization shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The holder of the authorization shall furnish the Commission, annually or at such shorter intervals as may be specified in the authorization, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a holder of an authorization pursuant to this paragraph will be made a part of the public record of the authorization proceeding. In addition to a signed original 39 copies of each report shall be filed.

(c) The holder of an authorization who desires a change in technical specifications or who desires to make a change in the facility or the procedures described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his authorization pursuant to § 115.60.

6. Section 115.61 is revised to read as follows:

§ 115.61 Issuance of amendment.

In determining whether an amendment to an authorization will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of authorizations, to the extent applicable and appropriate. If the application involves the material alteration of a nuclear reactor, a construction authorization will be issued prior to issuance of the amendment to the authorization. If the amendment involves a significant hazards considera-

tion the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

Effective date. The foregoing amendments shall become effective on April 22, 1974.

(Secs. 161, 182, 189; 68 Stat. 948, 953, 955; 71 Stat. 576; 76 Stat. 409; Pub. L. 83-703, 85-256, 87-615 (42 U.S.C. 2201, 2232, 2239)).

Dated at Germantown, Md. this 18th day of March 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6550 Filed 3-20-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

FERROUS SCRAP

I. *Extension of deadline for submission of first quarter 1974 ferrous scrap license applications by historic exporters.* The FEDERAL REGISTER of January 16, 1974, required that exporters submit applications for validated licenses against their quota shares for the first quarter 1974 no later than March 10, 1974. To assure that exporters and their foreign customers have ample time to make satisfactory arrangements, this deadline is hereby extended to 5:00 p.m., e.d.t. March 29, 1974. Any quota shares for which license applications have not been physically received in the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, by this new deadline will be withdrawn, and the appropriate country quotas will be reduced accordingly.

II. *Restriction on extension of licenses issued in 1973 to export ferrous scrap.* The FEDERAL REGISTER of January 16, 1974 announced the method of licensing exports of ferrous scrap for the first quarter 1974. Included in that Bulletin was a statement of policy to the effect that in appropriate cases, upon a showing of delay due to difficulties in arranging shipment or other sufficient cause, licenses issued for export of ferrous scrap during 1973 might be extended through February 28, 1974, upon application by the exporter. The extremely strong domestic demand for scrap, coupled with what appears to be an abnormal seasonal decline in scrap collections and a reduction in prompt industrial scrap from the automobile industry, caused the Office of Export Administration to reconsider this policy. Accordingly, since mid-January, the Office of Export Administration has severely restricted extensions of ferrous scrap licenses issued in 1973.

III. *Revision of requirements for submission of past histories of ferrous scrap exports.* The FEDERAL REGISTER of December 6, 1973 announced that exporters who had exported shipments of ferrous scrap during the period July 1, 1970 to June 30, 1973, would be considered for shares of the first quarter 1974 quotas if they submitted reports of such shipments by December 17, 1973. Those exporters who submitted their reports in a timely manner will automatically be considered for eligibility to receive second quarter 1974 ferrous scrap quota shares on the basis of their previous report.

The regulations are revised to permit those exporters with a history of shipments during the base period who did not submit statements by the December 17 deadline to submit reports of such exports for consideration in the allocation of quota shares for subsequent quarters. Such reports must be submitted in accordance with § 377.4A(a), as herein revised, no later than March 22, 1974, for consideration with respect to the second quarter 1974, or, for subsequent quarters, by the 17th day of the month prior to the start of any such quarter for which the exporter wishes to be considered.

IV. *Elaboration of rules for ex-quota licensing of ferrous scrap derived from ship-breaking activity.* The FEDERAL REGISTER of January 16, 1974, announced a system whereby an exporter engaged within the United States in ship-breaking activity may apply for validated licenses to export ferrous scrap in excess of his quota shares. Upon submission of production documentation, such licenses may be granted pursuant to the rules of § 377.4A(d), as herein revised, for up to 50 percent of an exporter's increase in domestic production of scrap from ship-breaking in 1974 over his 1973 level. This issuance revises § 377.4A(d) of the Export Administration Regulations to clarify the nature of the documentation required, the manner of submission, and the system for issuing export licenses.[1]

V. *Ships sold by the maritime administration for scrapping abroad.* No person may, after March 13, 1974, export a ship purchased from the U.S. Maritime Administration for scrapping abroad without a validated license for export with respect to the ferrous scrap content of such ship. With respect to ship sales made during the first quarter 1974, export licenses will be issued against the quota for that quarter upon application by the exporter, identifying the purchaser of the ship and the approximate ferrous scrap content of such ship in short tons, and indicating the terms and date of sale. A quota set-aside of 50,000 short tons for the second quarter 1974 shall be reserved for, and shall limit with respect to ferrous scrap content, the export of ships purchased during such quarter from the U.S. Maritime Administration for scrapping abroad. Application for licenses against the quotas shall be in accordance with § 377.4A(c). Such applications shall indicate the terms and date of sale, the identity of the purchaser, and the approximate ferrous scrap content of the ship. The information set forth on applications will be verified by the U.S. Maritime Administration before issuance of any license. All licenses will have a validity period of 90 days from the date of issuance.

The Commodity Control List is hereby revised as set forth below, effective 12:01 a.m., e.d.t., March 14, 1974, to require a validated license for export of such vessels for scrapping.

VI. *Exclusion of commodities under short supply controls from the technical data written assurance requirement of general license GTDR.* Under current rules with respect to General License *GTDR*, before exporting technical data relating to those commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below," an exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be exported, directly or indirectly, to Country Group Z or reexported, directly or indirectly, to Country Group Q, W, Y, or Z.

This requirement for a written assurance is revised to exclude technical data relating to those commodities listed in Supplement No. 1 to Part 377 as being under short supply controls. As a result, such technical data may be shipped under the provisions of General License GTDR notwithstanding the imposition of short supply controls.

VII. *Additional quota allocations for shipments of ferrous scrap to certain destinations in the first quarter 1974.* The FEDERAL REGISTER of December 6, 1973 announced that a quota set-aside of 100,000 short tons of ferrous scrap had been earmarked for use during the first quarter 1974 for contingencies and hardships. In recognition of the legitimate needs of certain developing countries, additional quota allocations of ferrous scrap have been authorized for export licensing to the following destinations under the rules of § 377.4A: Thailand—20,000 short tons, Bangladesh—6,170 short tons, Pakistan—12,000 short tons, Philippines—12,000 short tons, Venezuela—15,000 short tons, and the People's Republic of China—40,000 short tons (the additional 5,170 short tons were added to contingency from duplication in individual quota shares discovered as a result of audits). Further, at the request of the European Community, the total quota for the Community has now been allocated to Italy, following advice from the Community that the United Kingdom will not be importing scrap from the United States during the first quarter 1974. Exporters who are eligible to participate in these revised quota allocations based upon their past participation export history have been advised of their revised quota shares for shipments to these destinations.

VIII. *Export control of shipments from Foreign-Trade Zones.* Section 370.6 of the Export Administration Regulations provides that commodities of foreign origin that enter a U.S. foreign-trade zone with no customs entry being made, may be ex-

[1] These requirements have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

ported from the foreign-trade zone without a validated export license, unless a validated license is required by paragraph (a), (b), (c), or (d) of such section. Section 370.6 is hereby revised to provide that commodities listed in Supplement No. 1 to Part 377 require a validated license for export from foreign-trade zones, unless such commodities could be exported from the customs territory of the United States under a general license. In addition, the definition of "United States" is refined and an explanatory note is added to clarify that goods of U.S. origin, and certain goods produced in foreign-trade zones, are subject to the same export controls as if they were located within U.S. customs territory.

IX. *Exclusion of commodities under short supply control from shipment under certain general license provisions.* In order to restrict effectively the export of those commodities listed in Supplement No. 1 to Part 377 as being under short supply control, the Export Administration Regulations are revised to prohibit the export of such commodities to any destination under a general license, except as authorized under the provisions of general licenses "GLV, GUS, GTF–US, GLR, GMS, SHIP STORES or PLANE STORES." Therefore, a validated license is now required for all export shipments of short supply commodities not otherwise authorized under the provisions of the above-mentioned general licenses.

X. *Revision of shipping tolerance allowance for partial shipments.* Section 386.7(c) of the Export Administration Regulations requires that when partial shipments are made against a license, the shipping tolerance may be applied against the unshipped balance only, except that for iron and steel products and tin plate, the tolerance is allowed on the full amount licensed. This exception is hereby deleted, as it is inapplicable to ferrous scrap under short supply control, and is not of significant value to exporters of the few other such products under validated license control for strategic reasons.

Accordingly, the Export Administration Regulations (15 CFR Parts 370, 371, 377, 379, 386, and 399) are amended as follows:

PART 370—EXPORT LICENSING POLICY AND RELATED INFORMATION

1. Paragraph (a)(4) of § 370.2 is revised to read as follows:

§ 370.2 Definitions of terms.

(a) The following are definitions of terms as used in the Export Administration Regulations: * * *

(4) *United States.* Unless otherwise stated, the 50 states, the District of Columbia, the Canal Zone, Puerto Rico, and all territories, dependencies, and possessions of the United States, including U.S. foreign-trade zones established pursuant to 19 U.S.C. 81A–81U.

* * * * *

2. Paragraph (f)(2) and (3)(i) of § 370.10 is revised to read as follows:

§ 370.10 Exports controlled by U.S. Government Agencies other than the Office of Export Administration.

* * * * *

(f) *Watercraft.* Regulations administered by the U.S. Maritime Administration, Washington, D.C. 20235, and other agencies as listed below govern the export of watercraft: * * *

(2) *Export Authorization by U.S. Maritime Administration and Office of Export Administration.* Watercraft (including vessels of war) exported for the purpose of scrapping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Administration and the U.S. Maritime Administration if (i) the vessel will be exported to Country Group W, Y, or Z (see Supplement No. 1 to Part 370 for country group designations) or (ii) the vessel has been sold by the U.S. Maritime Administration for scrapping abroad.

(3) *Export authorization by U.S. Maritime Administration only.* (i) Watercraft described in subparagraph (2) of this paragraph, except those sold by the U.S. Maritime Administration for scrapping abroad, when exported to destinations other than those in Country Group W, Y, or Z, require export authorization from the U.S. Maritime Administration only.

* * * * *

3. Section 370.6 is amended by revising the material preceding paragraph (a) and by adding a new paragraph (e) to such section. This revised and added material reads as follows:

§ 370.6 Shipments entering Foreign-Trade Zones.

Shipments of commodities or technical data of foreign origin for which no customs entry has been made and that enter a U.S. foreign-trade zone may be exported from the foreign-trade zone without a validated export license except as described below.

NOTE: Commodities originating in the U.S. and located in a foreign-trade zone are subject to U.S. export control requirements. Those commodities otherwise considered to be of foreign origin that, as a result of processing, manufacturing, or assembly while in a U.S. foreign-trade zone, have been so altered that they have either been substantially enhanced in value or have lost their original identity with respect to form, are no longer deemed to be of foreign origin. They are, therefore, subject to U.S. export licensing requirements when exported from the foreign-trade zone.

* * * * *

(e) *Commodities under short supply control.* A shipment of any commodity listed in Supplement No. 1 to Part 377 of this chapter as under short supply control requires a validated license if the shipment could not be made from the customs territory of the United States to the intended destination under the provisions of a general license.

PART 371—GENERAL LICENSES

4. Paragraph (c) of § 371.2 is amended by adding a new subparagraph (9) thereto to read as follows:

§ 371.2 General provisions.

* * * * *

(c) *Prohibited shipments.* No general license may be used to effect an export to any destination if: * * *

(9) The commodity is listed in Supplement No. 1 to Part 377 of this Chapter as being under short supply control, unless the export is authorized under the provisions of general licenses *GLV, GUS, GTF–US, GLR, GMS, SHIP STORES* or *PLANE STORES.*

* * * * *

PART 377—SHORT SUPPLY CONTROLS

5. Paragraph (b) of § 377.1 is revised to read as follows:

§ 377.1 General provisions.

* * * * *

(b) *Commodities subject to short supply quota controls.* Commodities currently under short supply quota controls are listed in Supplement No. 1 to this Part 377. Generally, an exporter's share of any quantitative quota that may be established shall be allocated in accordance with the Past Participation in Exports Licensing Method described in § 377.2. The Office of Export Administration may authorize commodities subject to quantitative restriction to be licensed without regard thereto, if they were manufactured or processed in, and are being shipped from, a U.S. foreign trade zone, or if they are ineligible for shipment under General License solely because of the limitations of § 371.2(c)(9) of this chapter.

* * * * *

6. Section 377.4A is amended:

a. By striking the words "FIRST QUARTER" from the title,

b. By striking "a letter of quota participation for the first quarter of 1974" in the last sentence of the portion of paragraph (b) of such section that precedes subparagraph (1) of such paragraph, and inserting in lieu thereof "a letter of quota participation for the applicable quarter,"

c. By striking "the first quarter 1974 ferrous scrap quota for the Community is to be allocated, notwithstanding past trade patterns, only to Italy and the United Kingdom in a ratio of approximately 7 to 1" in the third sentence of paragraph (b)(1) of such section, and inserting in lieu thereof "ferrous scrap quotas for the Community are allocated, notwithstanding past trade patterns, to member countries in the proportions determined by the Community,"; and by striking "for those two countries" in the fourth sentence of such paragraph (b)(1), and inserting in lieu thereof "as so determined",

d. By striking "of 100,000 short tons has been earmarked for use during the first quarter" in paragraph (e) of such

section, and inserting in lieu thereof "as specified in Supplement No. 1 shall be earmarked for use during each calendar quarter",

e. By striking "no later than March 31, 1974" in paragraph (f) of such section, and

f. By revising paragraphs (a) and (d) of such section to read as follows:

§ 377.4A Ferrous scrap export licensing system for 1974.

(a) *Statement of past participation.* Shares of quarterly quotas for the ferrous scrap commodities listed in Supplement No. 1 as subject to quota restriction are, pursuant to the rules of this section, assigned to exporters who have submitted statements of past participation, Form DIB–664P, covering their exports of such commodities during the base period July 1, 1970 to June 30, 1973. To be considered for shares in any particular calendar quarter and, automatically, in all subsequent quarters, exporters must timely file a properly executed statement in accordance with the provisions of this paragraph and § 377.2. Such statements must be actually received by the Office of Export Administration, PO Box 7138, Ben Franklin Station, Washington, D.C. 20044, by the 17th day of the month prior to the start of a calendar quarter in order to be considered timely filed with respect to the allocation of quota for such quarter and all succeeding quarters, except that statements with respect to the second quarter 1974 will be accepted until March 22, 1974. Forms not received by the dates specified herein will be held over until the succeeding quarter in the event quotas are established therefor. The statement on Form DIB–664P shall indicate (separately for each foreign country of destination, including Canada and countries that are members of the European Community) the quantities (in short tons) of each category of ferrous scrap (other than stainless steel scrap), by Schedule B number, that the exporter exported to each such country during each calendar month during the period July 1, 1970 to June 30, 1973. The statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB–664P shall be submitted for each of the Schedule B classifications listed in Supplement No. 1 for which the exporter is seeking quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525–V) filed in accordance with Part 386 of this Chapter.

* * * * *

(d) *Special rules with respect to ships.*—(1) *Domestic ship-breaking.* In order to encourage increased production of ferrous scrap, a special rule is established to allow any person engaged within the United States in ship-breaking activity (the conversion of ships to scrap metal) to apply for validated licenses to export ferrous scrap in excess of his quota shares. Such licenses may be issued to the extent of 50 percent of the increase in such person's domestic production of ferrous scrap from ship-breaking during the first calendar quarter of 1974 over his production from such activity during the first calendar quarter of 1973. For succeeding quarters any increase in production over the corresponding quarter in 1973 will be adjusted to reflect decreases in 1974 production during preceding quarters. Licenses may then be issued to the extent of 50 percent of such increase, as adjusted. In order to receive a license under this rule, such person shall file an application in accordance with paragraph (c) of this section, accompanied by: (i) With the first application under this provision, a sworn affidavit by the applicant showing his domestic ship-breaking tonnage in 1973, which indicates by calendar quarter the quantity of scrap dismantled and removed from vessels; and (ii) with the first application following the end of a calendar quarter, a sworn affidavit by the applicant showing his domestic ship-breaking tonnage in each of the completed calendar quarters of 1974. Any submission under this provision shall be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. Although the Office of Export Administration reserves the right to limit such licenses by destination and type of scrap if in its opinion such action is warranted, it is anticipated that generally licenses will be issued for the type and destination specified in the application. The ship-breaking tonnage of all members of an affiliated group of companies shall be attributed to such group as a whole, which shall for this purpose be treated as a single entity. Only the controlling member of such group may submit an application under this provision in behalf of the group. The controlling member may, however, designate any member to receive a license for a specific portion of the tonnage for which the group is eligible.

(2) *Ships sold by the Maritime Administration for scrapping abroad.* No person may, after March 13, 1974, export a ship purchased from the U.S. Maritime Administration for scrapping abroad without a validated license for export with respect to the ferrous scrap content of such ship. With respect to ship sales made during the first quarter 1974, export licenses will be issued against the quota for that quarter upon application by the exporter. With respect to the second quarter 1974 and for any subsequent quarters for which quota restrictions on the export of ferrous scrap may be imposed, a quota set-aside as specified in Supplement No. 1 shall be reserved for, and shall limit, with respect to ferrous scrap content, the export of ships purchased during such quarter from the U.S. Maritime Administration for scrapping abroad. Upon the award of a ship for scrapping abroad, the U.S. exporter shall file an application in accordance with paragraph (c) of this section, which shall indicate the terms and date of sale, the identity of the purchaser, and the approximate ferrous scrap content of the ship. Licenses shall be issued by the Office of Export Administration upon verification by the U.S. Maritime Administration of the information on the application.

* * * * *

7. The list of submission dates and the table of quotas in the portion of Supplement No. 1 to Part 377 that relates to "Ferrous Scrap" are amended to read as follows:

SUBMISSION DATES

Orders for first quarter 1974 shipment, not prior to January 1, 1974, and not later than:

Historical Exporters ..... Mar. 29, 1974

* * * * *

INDIVIDUAL FOREIGN COUNTRY QUOTAS AND QUOTA RESERVES (IN SHORT TONS)

Country	First Quarter, 1974
Angola	900
Argentina	34,800
Bangladesh	10,000
Brazil	5,200
Canada	200,300
Chile	1,600
China, People's Republic of	49,400
Colombia	700
Dominican Republic	1,300
European Community:	
United Kingdom	0
Italy	197,400
Greece	22,800
Hong Kong	2,600
Japan	823,300
Korean Republic	123,700
Liberia	600
Mexico	165,000
New Zealand	5,200
Pakistan	16,340
Peru	1,000
Philippines	14,600
Singapore	1,900
Spain	182,000
Sweden	7,700
Taiwan	100,700
Thailand	34,800
Turkey	27,600
Venezuela	65,000
Yugoslavia	7,000
All Other Countries	1,800
Contingencies	[1] 100,000
Ships for Scrapping	N/A

[1] Quantity originally authorized before any subsequent reassignment to specific countries.

* * * * *

PART 379—TECHNICAL DATA

8. Paragraph (e)(2) of § 379.4 is amended by adding a new subdivision (v)(c) thereto, to read as follows:

§ 379.4 General License GTDR: technical data under restriction.

* * * * *

(e) *Written assurance requirements.* * * *

(2) *Requirement of written assurance for certain additional products and destinations.* * * *

(v) The limitations set forth in this § 379.4(e)(2) do not apply to the export of: * * *

(c) Technical data relating to those commodities listed in Supplement No. 1 to Part 377 as being under short supply controls.

* * * * *

PART 386—EXPORT CLEARANCE

9. Paragraph (c) of § 386.7 is revised to read as follows:

§ 386.7 Shipping tolerance.

* * * * *

(c) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity has been made, the tolerance applies only to the unshipped balance.

* * * * *

PART 399—COMMODITIES CONTROL LIST AND RELATED MATTERS

Accordingly, the commodity control list of § 399.1 of the Export Administration Regulations is amended to read as follows:

§ 399.1 Commodity control list; incorporation by reference.

* * * * *

Department of Commerce, export control commodity number and commodity description	Unit	Processing No.	Validated license required for country groups shown below	GLV dollar value limits for shipments to country groups		
				T	V	Q
* * * *						
735(2)B Ships, boats, and other vessels purchased from the U.S. Maritime Administration for breaking up (for scrapping) (specify unit of quantity in short tons of ferrous scrap content).	S. ton.	262	QSTVWYZ and Canada.	0	0	0
* * * *						

Effective date of action: March 13, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-6559 Filed 3-20-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

PART 702—ADMINISTRATION AND PROCEDURES

Changes in Compensation Districts

Section 702.101 of Part 702, Title 20 of the Code of Federal Regulations, establishing compensation districts pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act for the purpose of administration of said Act and its extensions, is hereby amended in the manner indicated below.

The boundaries of District Nos. 6 and 7 are revised. In District No. 8, the headquarters city is changed. These changes are deemed appropriate for improved administration.

The provisions of 5 U.S.C. 553 for notice, public procedure, and delayed effective date are not applicable to rules of agency organization and personnel matters. Accordingly, the amendment shall become effective immediately.

1. Section 702.101 of Part 702, 20 CFR, is amended to read as follows:

§ 702.101 Establishment of compensation districts.

* * * * *

District No. 6. Comprises the States of North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Florida, Alabama, and Mississippi; with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Arkansas and Louisiana; with headquarters at New Orleans, Louisiana.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Houston, Texas.

* * * * *

(33 U.S.C. 939(b), Secretary of Labor's Order No. 13-71, 36 FR 8755)

Signed at Washington, D.C. this 13th day of March 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-6569 Filed 3-20-74;8:45 am]

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

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

[Docket No. R-74-261]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

GUIDELINES FOR ASSISTED ADMISSION

The Department is amending Part 236 to add guidelines for assisted admission with respect to projects before final endorsement for mortgage insurance which correspond to the guidelines for assisted admission after final endorsement which are contained in § 425.22 of Part 425 of Title 24 published in the FEDERAL REGISTER at page 3675 on January 29, 1974. The amendments to Part 236 are the same as the amendments to Part 425 published on January 29, 1974 in the FEDERAL REGISTER. The latter amendments were published for comment, and such comments were considered before the amendments were made effective. Therefore, it is unnecessary to provide for comment and public procedure, and good cause exists for making these amendments to Part 236 effective upon publication.

Part 236 is amended as follows:

1. The list of sections of Subpart A of Part 236 is amended by adding a new section to read as follows:

Sec.
236.72 Guidelines for assisted admission.

2. Section 236.2 is amended by adding a new paragraph (h) to read as follows:

§ 236.2 Definitions used in this subpart.

* * * * *

(h) "Assisted admission" means admission at a rent that is less than the fair market monthly rental charge.

3. Section 236.72 is added to read as follows:

§ 236.72 Guidelines for assisted admission.

(a) *Maximum Income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary for the project locality.

(b) *Ability to pay rent.* The project owner or his managing agent may, at his discretion, admit an applicant for assisted admission whose adjusted income meets the requirement in paragraph (a) of this section if, in his judgment, the applicant has an adequate income to pay the basic monthly rental charge. If the applicant's income appears inadequate, the factors listed below, in addition to the applicant's income, shall be taken into consideration in making a determination of whether he will be able to pay the basic monthly rental charge. The project owner or his managing agent shall maintain supporting written documentation for the decision to admit or reject an applicant for assisted admission based upon these factors.

(1) A local welfare or other agency has agreed to pay all or a portion of the basic monthly rental charge.

(2) The applicant is 62 years of age or older.

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title.

(4) The applicant has established a history of rent-paying ability at levels equal to or greater than basic rent.

(5) The applicant has sufficient income, when considered together with other assets, to pay the basic monthly rental charge for a reasonable period.

(6) The applicant receives food stamps, surplus commodities or similar

benefits that favorably affect the applicant's ability to pay rent.

(7) Such other factors as, in the judgment of the project owner or his managing agent, bear favorably upon the applicant's ability to pay rent.

(c) *Preference for applicants within lowest practicable income limits.* The project owner or his managing agent shall accord a preference to applicants for assisted admission whose incomes are within the lowest practicable income limits and who meet the requirements of paragraphs (a) and (b) of this section.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); sec. 236, 82 Stat. 498, as amended; (12 U.S.C. 1715z-1))

Effective date. These amendments shall become effective on March 21, 1974.

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

[FR Doc.74-6576 Filed 3-20-74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 809c—ELEMENTARY AND SECONDARY EDUCATION OF DEPENDENTS IN OVERSEA AREAS

This revision expands the definitions; revises and expands the responsibilities of the Department of the Air Force; updates eligibility for enrollment criteria; adds School Lunch and Adult Education Programs; revises other Education Programs; and updates the implementation of pertinent Department of Defense directives.

Part 809c, Subchapter A, of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

Subpart B—Responsibilities for Dependent Education

Subpart C—Mission and Concept of Operation

Subpart D—Tuition-Fee Schools and Correspondence Courses

Subpart E—Budgeting and Funding

AUTHORITY: 10 U.S.C. 8012.

Subpart A—General Information

§ 809c.1 Purpose.

This part states policies and explains how elementary and secondary education for Department of Defense dependents is provided in Air Force-operated schools in the Pacific School Area. It also states policies for commands to provide logistic support for dependents schools on Air Force installations in the European and Atlantic School Areas. It implements Part 69 of this title.

§ 809c.2 Definitions.

For the purposes of this part, the following terms apply:

(a) *Air Force-operated schools.* Service-operated schools located in the Pacific School Area, regardless of installation affiliation, including all countries and locations in the Pacific and Far East to 90° E Longitude which are funded from Air Force appropriated funds and manned from Air Force manpower resources.

(b) *Army-operated schools.* Service-operated schools located in the European School Area, regardless of installation affiliation, including all countries and locations in Europe, Africa, and Asia to 90° E Longitude which are funded from Army appropriated funds and manned from Army manpower resources.

(c) *Navy-operated schools.* Service operated schools located in the Atlantic School Area, regardless of installation affiliation, including all oversea countries and locations in the Atlantic and in North, Central, and South America which are funded from Navy appropriated funds and manned from Navy manpower resources.

(d) *Tuition-fee or tuition contract school.* A private or public school that provides elementary or secondary education to eligible dependents and to which tuition and associated costs are paid from appropriated funds under an Air Force contract agreement with the school.

(e) *Pacific School Area.* See paragraph (a) of this section.

(f) *European School Area.* See paragraph (b) of this section.

(g) *Atlantic School Area.* See paragraph (c) of this section.

(h) *Oversea areas.* Areas outside the continental limits of the United States except Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands, and Wake Island.

(i) *Elementary and secondary education.* Education at Government expense for grades kindergarten through 12 which may be offered in service-operated schools, tuition-fee schools, or through correspondence courses appropriate for the grade level.

(j) *School professional personnel.* Civilian personnel employed in service-operated schools, and paid from appropriated funds, on either a school or calendar year basis. Their duties involve classroom or other instructional functions; administration, supervision, or direction of school programs; or other school positions which require academic credits in educational theory and practice.

(k) *Logistic support.* Include the provision, acquisition, or construction of suitable and adequate school facilities; dormitories (when required); area and district offices; all equipment normally attached to the building; services, such as maintenance and repair of facilities, custodial, transportation of students, utilities, school lunch programs (where required); housing for school personnel; external school supply support and other logistics services necessary to enable the Area Director to accomplish his mission.

(l) *Geographic manager.* Secretaries of military departments or their designees.

(m) *Identification of schools.* For identifying and manning purposes, the following school organizational patterns will apply. Regardless of level, all grades under the supervision of the same administrative head will be considered a separate school entity. All schools in the Pacific Area will be known as Air Force-operated schools.

(1) *Elementary school.* A school comprised of any span of grades not above grade 8.

(2) *Middle schools.* Separately organized middle schools (grades 5–8) are authorized, but are considered elementary schools for manning purposes. All staffing criteria applicable to elementary schools will be utilized, including specialists.

(3) *Junior high school.* A school intermediate between the elementary and high schools, usually grades 7, 8, and 9.

(4) *High school.* A school comprised of any span of grades beginning with the next grade following the elementary, middle, or junior high school at that location and ending with or below grade 12. Such high schools may be organized as junior-senior high schools or as senior high schools.

(n) *Correspondence courses.* Elementary or secondary education provided through home study courses and procured from appropriated funds with the approval of the Area Director.

(o) *Space required.* Pupil spaces which must be provided in a dependents school and for which personnel, materials, and facilities must be programmed.

(p) *Space available.* Pupil spaces available in a dependents school which may be occupied without programming additional personnel, equipment, materials, or facilities, and without degrading the learning opportunities of the space required pupils.

(q) *Dependent.* One who:

(1) Will reach his (her) fifth birthday, but not his (her) twenty-first birthday, by December 31 of the current year, or is handicapped (regardless of age) and enrolled in a special education program for the handicapped, and

(2) Is the child, step-child, legally adopted child, wife, husband, or legal ward of a sponsor or is resident in the household of a sponsor who stands in loco parentis, and

(3) Is dependent on the sponsor for more than one-half of his (her) support.

(r) *DOD dependent.* One who is the dependent, as defined in paragraph (q) of this section, of a member of the Armed Forces who is on active duty and stationed overseas or a DOD civilian employee who is a U.S. citizen or immigrant alien stationed overseas and paid from appropriated funds.

(s) *Handicapped child.* A dependent child having mental, emotional, or physical disability, and whose special learning needs cannot be met adequately through the regular instructional program. This category includes educable and trainable children. An educable child is one who can benefit from an academic program modified to suit his needs. A trainable pupil is one who cannot benefit from an academic program, regardless of extent of modification, and probably cannot achieve literacy, but who can be trained. The Area Director will establish the lower levels of educability and trainability, based on the experience of the school system.

(t) *Basic testing program.* The administration of mandatory tests for students attending DOD oversea dependents schools.

(u) *Optional testing program.* The administration of prognostic and readiness, multifactor, special purpose aptitude tests, and criterion referenced tests, to individual students, or select student groups attending DOD oversea dependents schools, as determined by teachers, guidance counselors, and administrators.

Subpart B—Responsibilities for Dependent Education

§ 809c.3 Department of Defense (DOD) responsibilities.

Under the direction of the Secretary of Defense:

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD/M&RA) is responsible for establishing policies for the organization, operation, and administration of the Pacific Area Overseas Dependents Schools System of the Department of Defense.

(b) The Assistant Secretary of Defense (Installations and Logistics) (ASD/I&L) is responsible for establishing policies for the logistical support of the Overseas Dependents Schools System of the Department of Defense.

§ 809c.4 Department of the Air Force responsibilities.

Under the direction of the Secretary of the Air Force:

(a) The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is responsible for the operation and administration of all dependents schools and for providing tuition-fee schooling and correspondence courses in the Pacific Area, including all countries in the Far East to 90° E Longitude, Australia, and New Zealand.

(b) The Assistant Secretary of the Air Force (Financial Management) is responsible for programming, budgeting, and funding all the appropriated costs of the Pacific Area Dependents Schools except for military construction and military personnel requirements of Army, Navy, or Marine Corps and any other costs incurred in support of the program.

§ 809c.5 Headquarters United States Air Force responsibilities.

The Dependents School Function (DPPEB), is designated the Air Staff Office of Primary Responsibility (OPR) for the Pacific Area Dependents Education System. General supervision, policy, and program guidance for operating the dependents education program in the Pacific School area in accordance with ASD/M&RA standards and logistic support for which the Air Force is responsible will be provided by the appropriate Air Staff office.

§ 809c.6 Commander-in-Chief Pacific Air Forces responsibilities.

The Commander-in-Chief, Pacific Air Forces is delegated responsibility for the operation and administration of all dependents schools and for providing tuition-fee schooling and correspondence courses for all Department of Defense dependents in the Pacific area, including all countries in the Far East to 90° E Longitude, Australia, and New Zealand.

§ 809c.7 Pacific Area Director responsibilities.

The Pacific Area Director is responsible to CINCPACAF for the total educational program for eligible DOD dependents in the Pacific Area. Under the direction of CINCPACAF and with the appropriate Pacific Air Force staff assistance, the Area Director organizes, administers, and supervises the total education program of all dependents schools in the Pacific Area, regardless of location and service affiliation of the host installation. In this regard, he is responsible for the overall personnel management direction of the dependents schools system, Pacific Area, in accordance with civilian personnel regulations and the functional organization of area and district staffs.

§ 809c.8 Major command responsibilities, worldwide.

(a) Program, budget, and fund all nonreimbursable logistics support. Furnish, on a reimbursable basis, other logistic support for schools established on their respective installations as agreed on with the geographic manager.

(b) Program, budget, and fund the construction of school facilities costing in excess of $50,000 on their respective bases. A suitable school facility contains all equipment authorized to be included as installed equipment. All investment items, other than those in the military construction account are budgeted and funded by the Department having geographic responsibility.

(c) Insure that base and station commanders appoint dependents schools officers and furnish adequate staff support to schools in their areas of responsibility. Personnel are assigned external school support duties on a part-time basis (less than 50 percent of their duty time).

NOTE: The above responsibilities are equivalent to the responsibilities of Army and Navy commands in the Pacific Area.

§ 809c.9 Oversea installation commanders responsibilities, worldwide.

The Commander of each post, station, or base is responsible for the welfare and safety of all assigned, attached, and tenant personnel of his command and their dependents. Each military department, through the appointed area director/superintendent, is responsible for the dependents education program offered through the schools located on any service's facility in the geographic area assigned to that department. The local commander is responsible for providing all necessary resources, including military construction, facilities, funds (reimbursable) and necessary staff support and guidance. Local commanders provide support of the local school principals as needed to assure student discipline, sponsor support, and an effective educational program.

Subpart C—Mission and Concept of Operation

§ 809c.10 Mission.

The mission of the DOD Overseas Dependents School System is to maintain oversea schools which provide educational opportunities (kindergarten through grade 12) of high quality and to maintain such schools in sufficient numbers and types, properly staffed and equipped to provide quality education for eligible dependent children of U.S. military and civilian personnel of the DOD stationed in overseas areas in accordance with DOD-wide standards.

§ 809c.11 Concept of operation.

The Overseas Dependents Schools System is divided into three geographical areas—European, Atlantic, and Pacific—with operational and administrative responsibility for each being assigned to the Departments of the Army, Navy, and Air Force respectively. The Secretaries of the respective military departments or their designees are termed the geographic managers of these areas.

§ 809c.12 Advisory councils.

These councils may be established as required in accordance with Air Force regulation (AFR) 25-7 (Air Force Com-

mittee Management Program). Councils may consist of any desired number and composition of individuals. However, representation of all services should be included, and, because of the nature of local command involvement, members representing key functions, such as supply, engineering, personnel, and comptroller should be included.

§ 809c.13 Establishing Air Force-operated schools.

(a) A dependents school may be established if:

(1) No local English-speaking school is available which would provide a free and adequate education; and

(2) The number of eligible minor dependents requiring schooling is at least:

(i) Twenty for an elementary school;

(ii) Forty for a secondary school; or

(3) In the opinion of the Area Director with concurrence of HQ USAF/DPPEB, establishing a school would serve the best interest of the pupils regardless of the numbers indicated above.

(b) Other factors to be considered in establishing a school:

(1) Availability of facilities.

(2) Concentration or dispersal of pupils.

(3) Support expected from the local command.

(c) Establishment of service-operated student dormitories providing free room and board for eligible dependent students may be made when the Area Director determines that establishing a dormitory would serve the best interest of the pupils. Local commanders make necessary financial and logistic support arrangements for dormitories located on their installations. DOD Dependents Schools funds are used to finance the service-operated student dormitories except for transportation to and from the domicile of sponsor to the dormitory school.

§ 809c.14 Discontinuing Air Force-operated schools.

(a) A school is disestablished when the average enrollment of eligible dependents drops for an entire school year below the minimum enrollment criteria established in § 809c.13(a) of this section. HQ USAF must concur in all discontinuance actions.

(b) Other factors to be considered in disestablishing a school:

(1) Availability and appropriations of alternative education arrangements.

(2) Economy.

(3) Degree of concurrence or nonconcurrence of the local command being served.

§ 809c.15 Eligibility for enrollment.

Dependents who will be at least 5, but not yet 21 years of age by December 31 of the current year (or handicapped dependents, regardless of age, who are to be enrolled in a preschool, regular school, or postschool program) may be enrolled in dependents schools under the conditions prescribed and the priorities indicated in this section. These provisions do not preclude admission of a first grade or kindergarten pupil who transfers within the school year from a school with different age enrollment criteria. Not all categories of personnel can clearly be assigned to the following priorities.

(a) *Priority I—Space required, tuition-free.*

(1) The following may attend a DOD Overseas Dependents School on a space-required, tuition-free basis, except when the presence of the dependents in the oversea area is prohibited by command policies.

(i) Eligible dependents of the U.S. military personnel who are on active duty and stationed overseas when authorized transportation at Government expense to or from an overseas area. Dependents of members of the Coast Guard stationed overseas are authorized tuition-free schooling, when that service is operating as a service in the Navy, and also dependents of members of Coast and Geodetic Survey stationed overseas when that service is serving with one of the Armed Forces.

(ii) Eligible dependents of U.S. citizens or immigrant aliens, as defined in 8 U.S.C. 1101(a)(15), who are employees of the DOD stationed overseas and who are paid from appropriated funds when authorized transportation at Government expense to or from an overseas area.

(2) Eligible dependents in categories listed in paragraph (a)(1)(i) and (ii) of this section who are in an oversea area to which they were not authorized Government transportation, but who acquire entitlement to transportation at Government expense from the overseas area, are authorized space-required, tuition-free education commencing with the date the official determination of entitlement was made.

(3) If DOD dependents are authorized to accompany sponsors to the area of sponsor's assignment, such dependents ordinarily will not be entitled to space-required, tuition-free education in another foreign area. Any exception to this policy must be approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs). Similarly, such dependents are not eligible for receipt of education at tuition-fee schools at Government expense.

(4) Eligible dependents in categories listed in subparagraph (1)(i), (1)(ii) and (2) of this paragraph also are eligible for education in a tuition-fee school at Government expense in that same oversea area.

(5) Dependents who are authorized attendance in a DOD Overseas Dependents School or in a tuition-fee school may complete the current school year if, during the year, the sponsor is transferred while on active duty.

(6) Dependents of a sponsor who is detained by a foreign power or who is declared missing-in-action may remain in a DOD overseas dependents school or in a tuition-fee school at Government expense for as long as the detention or missing status continues to exist. In the above situations, proper authorization for the dependent to remain must be obtained from the local dependents school officials and the local military commander.

(7) Dependents of civilian or military personnel of the DOD who died while entitled to compensation or active duty pay may attend a DOD overseas dependents school, on a space-required, tuition-free basis, including dormitory schools, without time limitation on the number of years of attendance, as follows:

(i) If the civilian or military personnel died on or before January 11, 1971, while entitled to compensation or active duty pay, the surviving spouse, who was residing in the oversea area at the time of the DOD member's death, or is now or was a citizen of a foreign country and returns to the country of origin, may enroll the dependents of the deceased person at any time.

(ii) If the civilian or military personnel died after January 11, 1971, while entitled to compensation or active duty pay, the surviving spouse, who was residing in the oversea area at the time of the member's death or is now or was a citizen of foreign country and returns to the country of origin, must enroll the dependents of the deceased personnel within 1 year after the date of death.

(iii) Documentary evidence indicating dependency status and date of death of the civilian or military personnel must be presented to the appropriate DOD oversea dependents school official at the time of enrollment.

(b) *Priority II—Space-required, tuition paying.* The following may attend a DOD Overseas Dependents School on a space-required, tuition-paying basis:

(1) Dependents of employees of other United States governmental agencies stationed overseas who are eligible to receive an educational allowance for their dependents under the State Department Standardized Regulations (Government Civilians, Foreign Areas).

(2) Dependents of United States citizen or immigrant-alien sponsors who are employed under contracts or other agreements with the DOD which authorize dependent education on a tuition basis in DOD Overseas Dependents Schools, such as the following.

(i) American Red Cross personnel.

(ii) Contract technical services and contract maintenance personnel.

(iii) Employees of nonappropriated fund activities.

(iv) United Seamen's Service.

(v) Employees of credit unions authorized to operate on military installations overseas.

(3) DOD dependents who do not qualify as Priority I and cannot be accommodated as Priority IV.

(4) Dependents of third-state national military and civilian personnel accompanying or serving with the United States Armed Forces overseas when approved by the major oversea commander and by the appropriate DOD Dependents Schools geographical area manager.

(c) *Priority III—Space available, tuition paying.* At the discretion of the local dependents school authorities and when consistent with the local military commander's policy concerning access

to the installation and agreements with the host government concerned, the following may be enrolled, in the priority given, on payment of the established tuition:

(1) Dependents of United States citizens residing in the overseas area including dependents of retired United States military personnel.

(2) Dependents of United States citizen or immigrant-alien sponsors who are employed under contracts or other agreements with the DOD, but whose contracts do not authorize dependent education on a tuition-fee space-required basis in a DOD Overseas Dependents School.

(3) Dependents of foreign nationals, when there is no objection from the host country, and when such inclusion does not displace or prevent inclusion of United States citizen-sponsored dependents seeking admission on the same basis at the same time.

(d) *Priority IV—Space-available, tuition-free.* Military or civilian personnel who are stationed in an oversea area to which their dependents are not authorized transportation at Government expense, and who have elected to transport their dependents at their own expense to an oversea area, or who acquired such dependents locally, are authorized space-available, tuition-free education in service-operated schools for their dependents if their presence is not prohibited by command policy. Enrollment is subject to the approval of the local dependents school officials.

§ 809c.16 Educational program.

(a) *General information.* (1) Pattern the educational program after the best programs currently provided in the United States. Special classes not normally available without charge to all children in public schools in the United States will not be provided from appropriated funds. (Exception: The Host Nation Program.)

(2) Maintain sufficiently high standards in Pacific Area dependents schools to assure that the policies and standards of the North Central Association of Colleges and Secondary Schools are fully met for continued accreditation of the schools.

(3) Standards are established by the Area Director for elementary and middle schools in the Pacific Area. The schools are evaluated to assure adherence to those standards. A concerted effort will be made to assure that support of schools below high school level will not be eroded in deference to the necessity for meeting standards for the accreditation of high schools. Failure to meet the standards established for elementary and middle schools will be viewed with the same degree of concern as when high school accreditation standards are not met.

(4) In planning educational experiences, maximum use will be made of community resources which are unique to each dependents school because of its oversea location. Also provisions will be made in the curriculum to acquaint the pupils with the language, culture, and customs of the host nation. The Area Director continually evaluates the effectiveness of the curriculum.

(b) *The kindergarten program.* (1) The regular school term for kindergarten teachers is the same as for other classroom teachers; however, kindergarten classes may begin 1 week later in the fall and close 1 week earlier in the spring so that teachers can perform the professional duties required to open and close kindergarten.

(2) Kindergarten classes meet either during the morning or afternoon. Normally, class sessions are 2½ hours daily, including rest periods.

(3) Kindergarten is not required for enrollment in the first grade in oversea dependents schools.

(4) A nominal charge may be made to parents for snacks and drinks.

(c) *The school health program* (1) A comprehensive school health program must be an integral part of each oversea dependents school within the Pacific Area, and will include:

(i) Health education for all students.

(ii) School nurses who serve as health specialists on local school faculties.

(2) Administration and supervision of the program.

(i) Administrative supervision of the health program in each school is the responsibility of the school principal.

(ii) Technical direction and supervision pertaining to medical matters is the responsibility of the senior medical officer of the installation.

(iii) Appropriate and qualified above-school-level administrative personnel are selected and designated by the Area Director. These personnel are responsible for the implementation and evaluation of the School Health Program throughout the Pacific Area under the administrative supervision of the Area Director, and maintain communication and cooperation with all levels of school and medical administration.

(iv) School nurses. School nurses are assigned to Pacific Area dependents schools according to staffing guidance contained in AFM 26-3 (Air Force Manpower Standards). The school nurse gives leadership and guidance, under the administration of the school principal, in the development and maintenance of the local school health program in accordance with applicable regulations and guidelines.

(v) Cooperating professionals. In the absence of above-school-level administrative personnel specifically assigned to this program at area or district level, administrative direction is provided by the pupil personnel services function. The District Superintendent designates a professional in the district office to assume the duties of liaison for the School Health Program. At all administrative levels there will be maximum cooperation among professionals who have responsibilities for any phase of the School Health Program or activities related to it. Such professionals include school counsellors, social workers, psychologists, teachers, curriculum coordinators, principals, assistant principals and medical officers.

(3) Included in the health program.

(i) Activities which:

(A) Appraise the health status of students;

(B) Counsel students, parents, and others concerning appraisal findings;

(C) Encourage the correction of remediable defects;

(D) Assist in identifying exceptional children;

(E) Help prevent and control disease; and

(F) Provide emergency care in cases of injury or sudden illness.

(ii) Service such as: (A) Preventive medicine;

(B) Vision and audiometric screening;

(C) Tuberculin testing;

(D) Physical fitness testing;

(E) Dental checks;

(F) Examination and identification of candidates for special education classes and for participation in school athletics; and

(G) Adequate health records on all students.

(d) *Testing program.* (1) *Basic testing program.* Administer tests to a representative sample of students in grades 2, 4, 6, 8, 9, and 11 of the DOD oversea dependents schools during May of each year.

(2) *Optional testing program.* Program other tests for special uses according to the needs of local, district, and area levels.

(3) *Report on oversea dependents school basic and optional testing program.* Furnish HQ USAF an annual report on the nature, extent, and pertinent results of the optional testing program at June 15 of each year.

(e) *Work-study program.* Establish work-study programs in oversea dependents high schools consistent with the following goals:

(1) Provision of an on-going, educational program for high school students to help them experience and understand the world of work.

(2) Development of a cooperative school-trainer relationship in the community.

(3) Establishment of competent industrial and governmental agency supervision of work-study participants in coordination with the school.

(4) Establishment of work-study opportunities for students at all levels of ability and achievement.

NOTE: The work-study program may be conducted beyond the calendar limits of the prescribed school year.

(f) *School lunch program.* School lunch programs are established by the Area Director where he has determined that the need, facilities, and local support for such programs exist. In establishing school lunch programs, he coordinates with the agency which has been designated to provide the lunches and with the installation commander. By agreement between the U.S. Department of Agriculture (USDA) and the Air

Force, USDA food commodities are made available for use in school lunch programs. Title to donated commodities passes from USDA to the Air Force on acceptance at the time and place of delivery. These commodities are not sold, exchanged, or dispensed of in any manner other than being sold as food in the dependents schools lunch program, unless with the prior approval of USDA. Periodic reports of receipt are submitted to USDA in accordance with USDA instructions.

(g) *Predischarge education program (PREP).*—(1) *General.* At each location where sufficient potential exists for such a program, PREP for servicemen, adult dependents and other U.S. Government employees will be implemented under the aegis of DOD dependents high schools. The objectives of the program are to satisfy academic requirements for acquisition of a high school diploma or to provide refresher or make-up courses needed to enter technical, vocational, or college-level educational program. All North Central Association requirements for accreditation of high school diploma offerings must be followed. Adult students will not utilize facilities of a dependents school for PREP courses while minor dependents are attending classes.

(2) *Conduct of program.* Adult students may not be graduated from a dependents high school until a minimum of two units have been earned in residence. Schedule classes in accordance with policies established by the Area Director.

(3) *Tuition-fees.* The Veteran's Administration (VA) remunerates the military students directly, covering the established tuition fees, on submission by the student to the VA of the required VA documents. The tuition fee charged may include the compensation paid to teachers, administrators, and clerical assistants, costs of books and instructional materials peculiar to the course and operational costs. The funds which military students received from the VA to defray tuition costs, as well as tuition payments made by adult dependents and U.S. Government employees participating in the PREP program shall be deposited in an appropriated fund account of the dependents schools which is administered by the school principal or the appropriate district superintendent in accordance with policies and procedures established by the Area Director.

(4) *Procurement of teachers, administrators, and clerical assistants.* Teachers to conduct PREP courses are procured from regular faculty members of the dependents school and other qualified, locally available teachers. The Area Director selects qualified personnel for PREP administrative positions. First consideration is given to qualified, interested applicants locally available. Administrators are appointed on a full-time (12 month) basis in accordance with Air Force Civilian Personnel and Civil Service regulations. U.S. civilians and foreign national personnel to fill clerical and other support positions are employed locally in accordance with local civilian personnel procedures and policies established by the Area Director.

§ 809c.17 Manpower and personnel administration.

(a) Civilian personnel. (1) Subject to the annual funding limitation and staffing criteria directed by ASD/M&RA dependents schools are manned according to AFM 26–3 (Air Force Manpower Standards).

(2) Air Force Supplement to Basic Federal Personnel Manual, chapter 302, subchapter 6 and appropriate Air Force regulations lists the criteria for civilian personnel administration. Agreements in accordance with pertinent AF and DOD regulations and directives are made between services concerned for host installation personnel offices to service school personnel.

(b) Military personnel. (1) Consistent with Air Force necessity, and subject to the annual funding limitation, Air Force military personnel may be authorized and assigned on a full-time basis to logistics and other duties required for the internal operation of dependents schools, or in the District or Area offices, in the Pacific Area when positions are authorized by AFM 26–3.

(2) Under similar conditions and restrictions as outlined in subparagraph (1) of this paragraph, commanders of host installations located in the European or Atlantic School Areas may assign military personnel to duties in support of dependents schools, external to the school operation, on a part-time basis (less than 50 percent of their time) as an additional duty.

(3) Support rendered by Air Force installations in the European or Atlantic Areas will be in the areas for which support generally is provided for other operational activities by the installation staff and service organizations.

(c) The following policy applies in administering the dependents school program in the Pacific School Area. School-level spaces are not programmed for use above school level except as part of a plan to provide training of teachers or other professional personnel selected for above-school-level administration.

§ 809c.18 Employing school professional personnel.

(a) *School level personnel.*—(1) *Pub. L. 86–91 personnel.* Based on requisitions submitted by the Area Director, Oversea Recruitment Center, Department of the Army, recruits and selects school-level professional personnel (with the exception of school administrators—principals and assistant principals) and arranges for inter-area transfers. The Director, Dependents Education, Office of the Secretary of Defense (Education) annually issues criteria and procedures for inter-area transfers.

(2) *Administrators.* The Area Director considers and selects fully qualified personnel within the Pacific Area School system for these positions in accordance with Air Force Civilian Personnel and Civil Service regulations. If recruitment outside the Pacific Area school system is necessary, the Oversea Recruitment Center makes available a list of qualified applicants.

(3) *Support personnel.* U.S. civilian and foreign national personnel to fill clerical supply, and other such functions are employed locally in accordance with local Air Force and command policy.

(b) *District and area staffs.* The Director, through civilian personnel and other recruiting channels available to him, recruits, selects and assigns above-school-level professional personnel.

(c) *Area Director and Deputy Area Director HQ PACAF recruit for these positions.* Resumes of individuals under active consideration are forwarded to HQ USAF for review and concurrence. HQ PACAF makes the final selection with the concurrence of HQ USAF.

(d) *Support personnel.* Support personnel for district and area staffs are recruited and selected in accordance with Air Force and local command civilian personnel regulations.

§ 809c.19 Obtaining school facilities.

(a) *Military construction program (MCP).* Requests are submitted for MCP funds to construct school facilities according to instructions on the MCP for the budget fiscal year. AFM 86–2 (Standard Facility Requirements) establishes criteria for dependents school facilities.

(b) *Relocatable classrooms (or suitable substitutes).* These classrooms may be procured when recommended by the major commander and approved by HQ USAF.

§ 809c.20 School fire prevention and safety programs.

(a) The responsibility for assuring that adequate precautions are taken to eliminate existing and potential fire and ground and safety hazards in the school plant reposes jointly with the local base and school operating officials. General policies and procedures covering fire protection are contained in AFM 92–1 (Fire Protection Program Operational Procedures). Policies and procedures pertaining to safety and accident prevention are found in AFM 127–101 (Industrial Safety Accident Prevention Handbook).

(b) In conjunction with responsibilities outlined in applicable service directives, area directors/superintendent establish internal policies to:

(1) Assure that all combustible draperies and other window coverings are flameproofed.

(2) Develop and implement a fire and accident prevention and environmental safety program under the guidance and with the coordination of the appropriate Fire Protection, Safety and Bioenvironmental staff agencies.

(3) Designate a member of each district office to serve as School Fire Protection and Accident Prevention Officers.

(4) Arrange for an integrated semi-annual inspection of each school by personnel from the host installation Civil Engineers, Ground Safety and Bioenvironmental agencies.

(5) Principals, in conjunction with local fire prevention officers inspect school buildings before the beginning of each school term, and monthly thereafter.

(6) Conduct fire drills, to include proper evacuation procedures and simulation of actual conditions weekly during the first month of the school term, and monthly thereafter.

(7) Conduct a program of safety, fire, and accident prevention education for all students.

§ 809c.21 Procuring supplies and equipment.

School-unique and standard items of equipment are requisitioned, controlled, and managed in accordance with the procedures outlined in AFM 67–1 (USAF Supply Manual).

§ 809c.22 School transportation.

Transportation of eligible pupils to and from school on a daily commuting basis is provided by the host installation. The cost of this transportation is chargeable to the dependents education program, and is reimbursable by the geographic manager. Commercial contracts may be entered into by the installation commander, or directly by the geographic manager.

§ 809c.23 Summer school.

(a) *Remedial and makeup.* (1) Summer school is authorized, tuition-free, for remedial and makeup work by dependent children described in § 809c.15(a), who are recommended by the teacher and approved by the principal.

(2) Summer school meets for no more than 30 days; the school, or a given class may be of shorter duration if needs of the pupils can be met by the shorter term. A command-wide average of at least 10 pupils per class must be maintained.

(3) Qualified teachers and adequate supervision must be available. Secondary classes for credit must conform to North Central Association requirements.

(4) The categories of dependent children described in § 809c.15(b) and (c) are charged tuition at a proportional cost of the tuition charges during the regular school year.

(b) *Enrichment and acceleration.* Summer school is authorized on a tuition basis for all dependent children described in § 809c.15. Tuition is charged at the same rate charged for non-DOD students referred to in pargaraph (a)(4) of this section.

§ 809c.24 Maintaining records.

Air Force-operated schools maintain essential background and academic records on each student.

Subpart D—Tuition-Fee Schools and Correspondence Courses

§ 809c.25 Tuition-fee schools.

(a) *Criteria for use.* In areas where there are no service-operated schools, contracts may be negotiated with local tuition-fee schools for the education (including daily authorized transportation to and from the school) of eligible dependents. In areas where Air Force-operated schools, including high schools with dormitory facilities, are available, maximum use will be made of such facilities. Contracting with tuition-fee schools in areas where service-operated schools exist is authorized only when:

(1) Air Force-operated schools are operating at maximum capacity.

(2) Adequate educational services are not offered at the Air Force-operated school for handicapped children, or

(3) Air Force-operated schools are not considered available. Nonavailability may be determined when either of the following conditions exist:

(i) The Area Director determines that daily commuting time to an Air Force-operated school is unreasonable.

(ii) In the case of dormitory schools, when space is available, but it is determined that because of the youthfulness or immaturity of the child, or unfeasible transportation arrangements (cost, extreme distance, unavailability, scheduling, or inappropriate routing), attendance at the Air Force-operated school would not be in the best interest of the child or the sponsor.

(b) *Criteria for approval.* (1) Elementary schools should conform to reasonable American sandards.

(2) Secondary schools should meet the standards for accreditation prescribed by the North Central Association of Colleges and Secondary Schools.

(3) The curriculum should include instruction to American history, civics, government, and other subjects designed to provide an American-type education.

(4) Schools should be reasonably accessible to pupils' homes to minimize undue hazards and expense of transportation.

(5) General instruction should be in English.

(6) Physical facilities should meet reasonable standards of safety, health, and educational requirements.

§ 809c.26 Correspondence courses.

If neither service-operated dependents schools nor adequate tuition-fee schools are available, the area superintendent procures correspondence courses offered by educational institutions that are accredited by a state department of education or a regional accrediting association. Such correspondence courses also may be procured to supplement the curricula of tuition-fee schools or small service-operated schools where course offerings are limited in particular subject areas which normally are part of the required curriculum in the United States.

Subpart E—Budgeting and Funding

§ 809c.27 Appropriated fund support.

PACAF budgets and funds for Air Force-operated schools, tuition-fee schools, and correspondence courses in the Pacific School Area are explained in § 809c.2. Adequate school facilities include fixed installed equipment, and do not include movable or portable supplies and equipment used in operating the school.

§ 809c.28 Nonappropriated and other funds.

Use will not be made of nonappropriated military welfare funds or funds derived from payments related to PREP to defray dependents schools costs that are chargeable to Air Force appropriated funds. Nonappropriated welfare funds and contributions and donations from individuals and private organizations (for example, PTAs and clubs) may be used to fund those school activities and special projects that normally are not provided by comparable tax-supported schools in the United States. Property donated to dependents schools is accepted and accounted for in accordance with provision of AFM 11–26 (Gifts to the Department of the Air Force), (See Part 825a of this chapter), AFM 67–1 (USAF Supply Manual) and AFM 93–1 (Air Force Real Property Accountable Reports).

§ 809c.29 Charges to parents.

Parents of children who meet the criteria in § 809c.15(a) will not be responsible for any costs that are chargeable to the annual funding limitation. Parents of children who do not meet those criteria are charged a tuition fee for each child attending an Air Force-operated school. The tuition fee for dependents of employees of Federal Government agencies other than DOD provide, for recovery of a proportionate (per pupil) share of all operating and administrative costs for education space-required pupils in service-operated schools. This per pupil cost is determined by dividing the estimated O&M costs which are charged against space-required dependents education (minus tuition and transportation costs charged against contract education and costs of correspondence courses) by the number of space-required pupils. For dependents of personnel who are not employed by the Federal Government, the tuition rate is the above-determined rate plus an additional amount which provides for the recovery of a proportionate (per pupil) share of capital investment costs. The additive tuition charge for recoupment of capital investment is established by OSD based on formulas developed by the military departments, and applies uniformly to all DOD dependents schools world-wide. The tuition rate for Federally related dependents is developed annually by the Director, Pacific Area. Tuition fees for kindergarten are one-half of the amount charged pupils in grades 1–12. District superintendents are authorized to disenroll non-DOD tuition paying students when tuition payments are not made in accordance with the established tuition payment schedule.

§ 809c.30 Reimbursements to parents.

Parents are not reimbursed from appropriated funds for costs that are chargeable to appropriated funds and the annual funding limitation.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6467 Filed 3-20-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 164—INDEMNITY CLAIMS

Filing Insured (Including C.O.D.) Mail Claims

Correction

In FR Doc. 74-6109 appearing at page 10132 in the issue of Monday, March 18, 1974, in the third line of § 164.2(f), the word "matter" should read "mailer".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix A—Exemplary Projects in Vocational Education Additional Criteria

On November 7, 1973 there was published in the FEDERAL REGISTER at 38 FR 30747, a notice of proposed rulemaking which set forth additional criteria (and closing date) for applications for grants under Part D of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302 (c). The additional criteria were set forth in a proposed Appendix A to Part 103 of the regulations, 45 CFR Part 103.

Interested persons were given until November 27, 1973 to submit comments, suggestions, or objections to the proposed criteria. No comments were received.

The criteria therefore, are issued as originally published without change, as set forth below.

Effective date. Since the criteria are to be issued as originally published in the FEDERAL REGISTER under notice of proposed rulemaking without change, the criteria shall be effective March 21, 1974.

(Catalog of Federal Domestic Assistance No. 13.502; Vocational Exemplary Projects)

Dated: January 28, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

APPENDIX A—EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA

In the making of awards from funds available for the program (in addition to consideration of the criteria in 45 CFR 103.25 and 100.a26(b)) priority will be given to projects which include a strong guidance and counseling emphasis and which involve in one operational setting a coordinated set of activities designed to carry out of all of the following purposes.

a. To increase the self awareness of each student, to develop in each student favorable attitudes about the personal, social, and economic significance of work, and to assist each student in developing and practicing appropriate career decisionmaking skills.

b. To increase the career awareness of students at the elementary school level in terms of the broad range of options open to them in the world of work.

c. To provide, at the junior high or middle school level, career orientation and meaningful exploratory experiences for students.

d. To provide, at grade levels 10 through 14, job preparation in a wide variety of occupational areas, with special emphasis on innovative approaches to the provisions of work experience and/or cooperative education opportunities for all students.

e. To insure the placement of all existing students in either: (1) A job, (2) a postsecondary occupational program, or (3) a baccalaureate program.

(20 U.S.C. 1301, 1303(a).)

Each project may be designed for a duration of up to three years, with the understanding that only the first 12 months of activity will be supported with fiscal year 1974 funds. Support for the proposed second and third years of each project will be dependent upon availability of appropriations and satisfactory progress in the implementation of the earlier stages of the project. Since comprehensive exemplary projects will require substantial financial resources, consideration should be given in the project design to the possible coordination with relevant programs supported from other sources.

(20 U.S.C. 1301.)

[FR Doc.74-6591 Filed 3-20-74;8:45 am]

PART 174—EDUCATION PROFESSIONS DEVELOPMENT

Notice of proposed rulemaking was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17502-17508) setting forth regulations governing the awarding of funds, except for the Teacher Corps Program, under the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended, 20 U.S.C. 1091-1092, 1108 et seq.). Interested persons were invited to submit written comment to the Office of Education regarding the proposed regulations.

A. *Summary of comments—Office of Education response.* The following comments were received by the Office of Education regarding the proposed regulations. After the summary of each comment, a response is set forth stating changes which have been made in the regulations or the reasons why no change is deemed necessary.

1. Section 174.60 *Scope Comment.* A commenter suggested that the first sentence of § 174.60(a), which provides that the Commissioner will award fellowships "for graduate study leading to an advanced degree," is too restrictive. He suggests that fellowships be awarded "for graduate study in an approved program."

Response. The language used is required by statute. Section 522 of Title V of the Higher Education Act of 1965 (20 U.S.C. 1112), provides that "The Commissioner is authorized to award fellowships in accordance with the provisions of this part for graduate study leading to an advanced degree * * *."

Comment. A commenter viewed the definition of "career in elementary and secondary education or in postsecondary vocational education" in § 174.60(b)(2) as perhaps excluding certified and employed teachers thereby causing such persons to be ineligible for fellowships in education administration.

Response. It is clear that a certified and employed teacher has a "career in elementary and secondary education or in postsecondary vocational education" and is therefore not ineligible, on that account, to receive a fellowship.

Comment. A commenter suggested that "coordinating work experience programs" be added to the list of pertinent career fields.

Response. Section 174.60(b)(2) will be amended to add "coordinating work-experience programs" to the list of career fields.

2. Section 174.61 *Approved programs. Comment.* A commenter suggested that the criteria defining an "approvable program" in § 174.61(b) be expanded to include the following: "the proposed program must be acceptable for the purposes of teaching certification in the State in which the institution is located."

Response. It is felt that the addition of the proposed criteria would be inappropriate since the program is open to teachers who are already certified and to persons who plan to enter careers in elementary and secondary education and postsecondary vocational education other than teaching.

3. Section 174.64 *Payments of stipends to fellows. Comment.* A commenter notes that § 174.64(a) provides that the payment of stipends after the first year is conditional upon the availability of appropriations. He suggests that if the situation arises where funds are not available to fully fund stipends the work restriction of § 174.64(e) be lifted.

Response. The provisions of § 176.64 (e) limiting outside or more than part-time work is required by § 527 of Title V of the Higher Education Act (20 U.S.C. 1117).

4. Section 174.243 *Scope. Comment.* A commenter asks whether a leadership development award must be made for three years and whether that three year period must be consecutive. In addition, it is suggested that a combination of work and training be permitted.

Response. Section 174.243 provides that leadership development awards may be granted for periods of up to three years; a lesser period is certainly allowed. Furthermore, if part of the advanced training program of an institution of higher education includes work experience that work experience would be permitted.

B. The General Provisions for Office of Education Programs, published in the FEDERAL REGISTER of November 6, 1973, (38 FR 30654 et seq.), have caused the following changes:

1. Section 174.2, is changed by deleting paragraphs (b), (c), (e), (l), and (m).

2. Section 174.4, is changed by deleting paragraphs (a), (b), (c), (d), except (d)(1) and (3), (e), (f), (g), (h), and (i).

3. Section 174.66 is changed by revising the first sentence to read "Institutions attended by fellowship recipients shall, in addition to those changes specified in Part 100a of this chapter, promptly report any changes in the continued eligi-

bility of a fellowship holder:"

4. Section 174.67, is changed by deleting paragraph (b).

5. Section 174.83, is changed by inserting after the word "evaluated" the words "in addition to the criteria set forth in § 100a.26(b) of this chapter." in the introductory sentence.

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4. Section 174.67, is changed by deleting paragraph (b).

5. Section 174.83, is changed by inserting after the word "evaluated" the words "in addition to the criteria set forth in § 100a.26(b) of this chapter." in the introductory sentence.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended as set forth below.

These regulations will become effective March 21, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 13.416, Education Personnel Development (categorical); 13.546, Teachers for Indian Children; 13.506, Bilingual Education; 13.503, Leadership Development for Vocational-Education; 13.504, State Systems Personnel Development for Vocational Education; 13.417, Exceptional Children; 13.545, New Careers in Education)

Dated: February 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding Part 174 which reads as follows:

Grants or contracts made pursuant to the regulations set forth below are subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

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174.2 General definitions.
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174.4 General provisions.
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COOPERATIVE DEVELOPMENT AWARDS, EXCHANGE, PROGRAMS, INSTITUTES, AND IN-SERVICE EDUCATION FOR VOCATIONAL EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

174.250 General nature of training grants.
174.251 Types of training programs.
174.252 Requirements for grant applications.

AUTHORITY: 20 U.S.C. 1091-1092; 1107a-1119a-1; 1119c-1119c-4; 1141, 1142, 1144(b), 1231 et. seq., unless otherwise noted.

Subpart A-1—General Provisions

§ 174.1 General purpose.

Regulations in this part govern programs carried out under the Education Professions Development Act (title V of the Higher Education Act of 1965), except Teacher Corps programs. The general purpose of these programs is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by (a) developing information on the actual needs for educational personnel, both present and long-range; (b) providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs; (c) attracting a greater number of qualified persons into the education professions; (d) attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in education; and (e) helping to make educational personnel training programs more responsive to the needs of schools and colleges.

(20 U.S.C. 1091)

§ 174.2 General definitions.

As used in this Part:

(a) "Act" means title V of the Higher Education Act of 1965 as amended (20 U.S.C. 1091 et seq.).

(b) "Dependent," for purposes of payment of a dependency allowance, means any of the following persons over half of whose support, for the calendar year in which the school year begins, was received from the fellow or participant:

(1) A spouse,

(2) A child, or descendant of such child, or stepchild,

(3) A brother or sister,

(4) A brother or sister by the half blood,

(5) A stepbrother or stepsister,

(6) A parent, or ancestor of such parent,

(7) A stepfather or stepmother,

(8) A son or daughter of fellow's or participant's brother or sister,

(9) A brother or sister of fellow's or participant's father or mother,

(10) A son-in-law, or daughter-in-law, or father-in-law, or mother-in-law, or brother-in-law, or sister-in-law,

(11) A person (other than the fellow's or participant's spouse) who, during the fellow's or participant's entire calendar year, lives in the fellow's or participant's home and is a member of the fellow's or participant's household (but not if the relationship between the person and the fellow or participant is in violation of local law), or

(12) A cousin (descendant of a brother or sister of the fellow's or participant's father or mother) who during the fellow's or participant's calendar year, is receiving institutional care on account of a physical or mental disability, and before receiving such care was a member of the same household as the fellow or participant.

(13) A legally adopted child or a child placed in the fellow's or participant's home for adoption by an authorized agency is considered to be a child by blood.

(14) A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama or the Canal Zone, at some time during the calendar year in which the school year of the fellow or participant begins, or is a resident of the Philippines, born to or adopted by, a fellow or participant while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a fellow or participant as a member of his household for the entire calendar year.

(c) "Fellowship" means an award under this Part to a student to enable him to carry out a full-time program of graduate study.

(d) "Fellowship year" is a study period approximately equal to 12 consecutive months beginning either in the summer or fall.

(e) "Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in § 1201(a) of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1141(a))

(f) "Institutional allowance" means a monetary amount provided to an institution in conjunction with a pre-doctoral fellowship awarded to an individual to study at the institution. It is made in lieu of tuition and all other fees required of all students of similar standing.

(g) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1141(g))

(h) National Advisory Council on Education Professions Development is the Presidentially appointed advisory body established by the Act to review Federal programs for training educational personnel, to evaluate the effectiveness of such programs in meeting needs and achieving improved quality, and to advise the Secretary and the Commissioner on related policy matters.

(20 U.S.C. 1091(a))

(i) "State" includes in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b))

(j) "State educational agency" means the State Board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or, if there is no such agency or officer, an agency or officer designated by the Governor or by State Law.

(20 U.S.C. 1141(h))

(k) "Stipend" means the allowance paid to a participant or fellow for subsistance and other expenses for such participants and their dependents as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(l) "Teacher aide" means a person who assists a teacher in the performance of his professional teaching or administrative duties or in any other activity which assists a teacher in the teaching-learning process. For the purposes of this subsection, the term "teacher" includes other educational personnel such as librarians, counselors, school social workers, child psychologists, educational media specialists, and school nurses, as well as classroom teachers. The term "teacher aide" does not include persons in positions such as clerk to a principal, food-handlers in a cafeteria, or other jobs not related to the teaching-learning process.

(20 U.S.C. 1091 et seq. except where otherwise noted)

§ 174.3 Limitations on payments.

(a) No payment may be made under this part for religious worship or instruction or training for a religious vocation or to teach theological subjects. No fellowship shall be awarded for study at a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or enter upon some other religious vocation or to prepare them to teach theological subjects.

(20 U.S.C. 1092, 1116)

(b) Except for veterans and war orphans who are receiving educational assistance benefits provided by the Veterans Administration under Chapters 34 and 35 of Title 38 of the United States Code, participants or fellows who are receiving any other direct Federal educational benefits may not, concurrently, receive stipends under this part. "Direct Federal educational benefits," as used in this paragraph do not include loans made or insured under Federally assisted programs.

(20 U.S.C. 1091 et seq.)

§ 174.4 General Provisions.

(a) *General provisions regulations.* Assistance under this part is subject to applicable provisions of Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(b) *Allowable costs for programs other than fellowship programs or leadership development awards.* (1) Funds paid under this part for support of institutes, short-term training programs, or special projects shall be used only for the purposes set forth in the final plan of operation as approved by the Commissioner.

(2) Participants in training programs supported under this part may not be charged tuition. If the payment of tuition by all students at an institution is required as a matter of State law, tuition may be paid for the participant and the amount thereof may be included as an allowable cost in lieu of an equal amount of otherwise allowable costs.

(20 U.S.C. 1091 et seq.)

§ 174.5–174.10 [Reserved]

Subpart A–2—Attracting Qualified Persons to the Field of Education

§ 174.11 Applicability and program purpose.

The purpose of the programs conducted under this subpart is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by attracting a greater number of qualified persons into the education professions and by attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term asignments in education.

(20 U.S.C. 1091)

§ 174.12 Types of recruitment projects.

The Commissioner may support programs or projects that will make an especially significant contribution to recruitment for the education professions by (a) identifying capable youth in secondary schools who may be interested in careers in education and encouraging them to pursue postsecondary education in preparation for such careers; (b) publicizing available opportunities for careers in the field of education; (c) encouraging qualified persons to enter or reenter the field of education; or (d) encouraging artists, craftsmen, artisans, scientists, persons from other professions and vocations, and homemakers to undertake teaching or related assignments on a part-time basis or for temporary periods.

(20 U.S.C. 1091c)

§ 174.13 Eligible entities.

The Commissioner may award grants to, or enter into contracts with, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and is authorized to enter into contracts with private agencies, institutions, or organizations organized for profit (after consultation with the National Advisory Council on Education Professions Development, see § 174.2(k)) when he determines that such contract will make an especially significant contribution to attaining the objectives of this subpart.

(20 U.S.C. 1091c)

§ 174.14–174.19 [Reserved]

Subpart B—Attracting and Qualifying Teachers To Meet Critical Teacher Shortages

§ 174.20–174.59 [Reserved]

Subpart C—Graduate Fellowships and Grants for Strengthening Graduate Programs in Education

§ 174.60 Scope.

(a) The Commissioner will award fellowships under this subpart for graduate study leading to an advanced degree for persons who are pursuing or plan to pursue a career in elementary and secondary education or post-secondary vocational

education. The Commissioner will allocate fellowships to institutions of higher education having graduate programs approved under § 174.61 for the use of individuals accepted into such programs. Not less than 5 percent of the amounts available for the purposes of this subpart shall be used for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b) (7, 1122))

(b) For purposes of this subpart

(1) "Elementary and secondary education" includes preschool and adult and vocational education and

(2) "Career in elementary and secondary education or in postsecondary vocational education" means a career of teaching in elementary or secondary schools (including teaching in preschool and adult and vocational education programs, and including teaching children of limited English-speaking ability) or in postsecondary vocational schools, a career of teaching, guiding, or supervising such teachers or persons who plan to become such teachers, a career in the administration of such schools, a career in fields which are directly related to teaching in such schools, such as library science, school nursing, school social work, guidance and counseling, educational media (including educational and instructional television and radio), child development, and special education for handicapped children, and for gifted and talented children, or a career in coordinating work-experience programs.

(20 U.S.C. 1111)

§ 174.61 Approved programs.

(a) An institution of higher education that wishes to have its graduate program approved for the purposes of receiving fellowships under this subpart shall submit an application to the Commissioner in such form and containing such information as the Commissioner shall prescribe.

(b) The Commissioner will approve an application submitted in paragraph (a) of this section only upon a finding that the graduate program described in the application—

(1) Will substantially further the objective of improving the quality of education of persons who are pursuing or intend to pursue a career in elementary and secondary education or postsecondary vocational education;

(2) Gives emphasis to high-quality substantive courses;

(3) Is of high quality and either is in effect or readily attainable; and

(4) Will accept for study only those persons who demonstrate a serious intent to pursue or to continue a career in elementary and secondary education or postsecondary vocational education.

(c) Program approval is subject to termination or suspension if the program is not developed or operated substantially in accordance with the information submitted in paragraph (a) of this section or in compliance with the requirements of paragraph (b) of this section.

(20 U.S.C. 1114)

§ 174.62 Allocation of fellowships.

The Commissioner will allocate fellowships to institutions of higher education having approved graduate programs in such a manner as will:

(1) Best provide an equitable distribution of such fellowships throughout the States taking into account such factors as the number of children in each State aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State; except that to the extent that the National Advisory Council on Education Professions Development (see § 174.2(k)) determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such a category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year.

(20 U.S.C. 1113)

(2) Encourage experienced teachers in elementary or secondary schools or postsecondary vocational schools and other experienced personnel in elementary or secondary education or postsecondary vocational education to enter graduate programs, attract recent college graduates to pursue a career in elementary and secondary education or postsecondary vocational education, and afford opportunities for college graduates engaged in other occupations or activities to pursue or return to a career in elementary and secondary education or postsecondary vocational education.

(20 U.S.C. 1113)

§ 174.63 Award of fellowships to individuals.

(a) *Applications and Selection.* Applications for fellowships should be submitted directly to participating institutions which will select the fellows.

(b) *Eligibility.* In order to be eligible for a fellowship, at the time the applicant is to commence study he or she must be:

(1) Accepted at the nominating institution for full-time graduate study in an approved program leading to an advanced degree,

(2) Pursuing or intending to pursue a career in elementary or secondary education, as defined in § 174.60(b)(2)) in a State, and

(3) Either a citizen or national of the United States or be in the United States for other than a temporary purpose and have the intention of becoming a permanent resident thereof, or be a permanent resident of the Trust Territories of the Pacific Islands.

(c) *Reinstatement of a fellowship following interruption of study.* (1) *Military service.* When feasible and subject to the availability of funds, a fellow whose fellowship tenure is interrupted by voluntary or involuntary military service will, upon his release from military duty, be reinstated to complete the remainder of his tenure.

(2) *Qualifying non-military service.* Fellows who satisfy their military obligation as commissioned officers in the Public Health Service or Environmental Science Services Administration or by performing alternate service as duly classified conscientious objectors will be eligible for reinstatement on the same basis as if their tenure had been interrupted by voluntary or involuntary military service.

(3) *Other interruptions.* Upon request the Commissioner may approve the reinstatement of fellows whose tenure is interrupted for reasons other than those given in paragraph (c)(1) and (2) of this section, provided good cause exists for such interruption.

(20 U.S.C. 1113, 1117)

§ 174.64 Payments of stipends and allowances to fellows.

(a) Payments of stipends and allowances after the first year of the fellowship are conditioned upon the availability of Federal appropriations.

(b) Each fellow will receive a stipend and where applicable an allowance for dependents consistent with that provided under comparable Federally supported programs, as determined by the Commissioner. However, a fellow may not receive a stipend or such allowances, during the period of full-time paid internship.

(c) Institutions shall make payments only to fellows who are enrolled and in good standing in the approved programs. A fellow shall not be entitled to payment with respect to any period during which he has failed to meet the conditions of paragraphs (d) and (e) of this section. Adjustments in the amount of an allowance payable to a fellow because of an increase or decrease in the number of his dependents shall be made effective as of the date when the change occurs, and the amount of the adjustment shall be reflected in the next regularly scheduled payment, if any.

(d) *Conditions for continued eligibility.* In order to remain eligible for payments, a fellow:

(1) Must maintain satisfactory progress in his approved graduate program; and

(2) Must continue to pursue a full-time course of study without gainful employment except as provided in paragraph (e) of this section.

(e) *Outside or part-time work.* A fellow may not engage in gainful employment during the period of his fellowship, except such part-time teaching, research, or similar activities which are related to his approved program, which have been approved by the Commissioner and which do not unnecessarily prolong his period of training. Limitations with respect to gainful employment do not apply to periods not covered by the fellowship stipend.

(20 U.S.C. 1115, 1117)

§ 174.65 Institutional allowance.

The Commissioner will pay an allowance to the institution each fellow is attending in such amount as he determines to be consistent with prevailing practices under comparable Federally supported programs. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of a fellow. Payment of the allowance will be made in such installments and at such times as the Commissioner, may, from time to time, authorize.

(20 U.S.C. 1115(b))

§ 174.66 Reports of institutions sponsoring fellowships.

Institutions attended by fellowship recipients shall in addition to those changes specified in Part 100 of this chapter, promptly report any changes in continued eligibility of a fellowship holder.

(20 U.S.C. 1117)

§ 174.67 Strengthening graduate programs.

For the purpose of obtaining an appropriate geographical distribution of high-quality programs for the training of personnel for elementary or secondary education, the Commissioner may make grants to and contracts with institutions of higher education to pay part of the cost of developing or strengthening graduate programs which meet or, as a result of the assistance received under this subsection will be enabled to meet, the requirements of § 174.61.

(20 U.S.C. 1114(b))

§ 174.68–174.79 [Reserved]

Subpart D—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education

§ 174.80 Scope.

(a) The Commissioner may make grants to, or contracts with, institutions of higher education and State educational agencies, and local educational agencies (and with respect to programs covered by § 174.85 other public or private nonprofit agencies and organizations) for carrying out programs or projects to improve the qualifications of persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise and train persons so serving.

(b) Grants and contracts with local educational agencies may be awarded only if the Commissioner has consulted the State educational agency and that agency is satisfied that the programs and projects of the local educational agency will be coordinated with programs or projects carried out under the Teacher Corps program (20 U.S.C. 1101 et seq.) and under part B–2 of the Act if there are such programs funded in the State.

(20 U.S.C. 1119)

§ 174.81 Eligible participants in training programs.

(a) Funds provided under this subpart may be used to support programs to train persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools, or to provide training for the trainers of teachers.

(b) Persons who are serving or preparing to serve in educational programs in both public and private elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools are eligible to be enrolled in programs supported under this subpart.

(20 U.S.C. 1119)

§ 174.82 Advanced training and retraining programs.

(a) Programs or projects authorized under this subpart may include, among others—

(1) Programs or projects to train or retrain teachers, or supervisors or trainers of teachers, in any subject generally taught in the schools;

(2) Programs or projects to train or retrain other educational personnel in such fields as guidance and counseling (including occupational counseling), school social work, child psychology, remedial speech and reading, child development, and educational media (including educational or instructional television or radio);

(3) Programs or projects to train teacher aides and other non-professional educational personnel;

(4) Programs or projects to provide training and preparation for persons participating in educational programs for children of preschool age;

(5) Programs or projects to prepare teachers and other educational personnel to meet the special needs of the socially, culturally, and economically disadvantaged;

(6) Programs or projects to prepare teachers and other educational personnel to meet the special needs of exceptionally gifted students;

(7) Programs or projects to train and retrain persons engaging in programs of special education for the handicapped;

(8) Programs or projects to train or retrain persons engaging in special educational programs for children of limited English-speaking ability;

(9) Programs or projects to provide inservice and other training and preparation for school administrators;

(10) Programs or projects to prepare artists, craftsmen, scientists, artisans, or persons from other professions or vocations, or home-makers to teach or otherwise assist in programs or projects of education on a long-term, short-term, or part-time basis;

(11) Programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools; and

(12) Programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.

(20 U.S.C. 1119)

(b) Funds provided pursuant to a grant or a contract under this section may be used only to pay the cost of—

(1) Short-term or regular session (including part-time) institutes;

(2) Other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and re-entering the field of elementary and secondary education or postsecondary vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless they are part of a continuing program of inservice or preservice training;

(3) Projects or programs to improve undergraduate or other programs for training educational personnel; or

(4) Such activities as may be necessary to carry out programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs to the extent such activities are not inconsistent with the other provisions of this Act.

(c) *Stipends.* Grants or contracts under this subpart may include provisions for the payment to participants of such stipends as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(20 U.S.C. 1119)

§ 174.83 Criteria for approval of training programs.

The criteria upon which applications will be evaluated in addition to the criteria set forth in § 100a.26(b) of this chapter, will include the following:

(1) The extent to which there is evidence of cooperative planning and of the maximum use and coordination of resource and competencies of educational agencies and institutions involved;

(2) The extent to which there is expertise or has been previous experience in conducting the type of program for which application is made and the extent of planning for operation of the program; however, this criterion will not preclude awards to developing or evolving institutions where there is a reasonable probability that such institutions

will be able successfully to conduct the program;

(3) The extent to which the program incorporates innovative concepts and techniques designed to meet current problems experienced in the Nation's schools;

(4) The extent to which the proposed program could meet current or prospective national, regional, local or State needs for educational personnel with the training which such a program would provide;

(5) The extent to which there is demonstrated institutional commitment to increasing support of the proposed program; and

(20 U.S.C. 1119)

§ 174.84 Distribution of grants and contracts.

In making grants and contracts for programs and projects under this subpart, the Commissioner will seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen.

(20 U.S.C. 1119(a–1))

§ 174.85 Programs for teachers of children living on Indian reservations.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be used for grants to, and contracts with institutions of higher education and other public and private non-profit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section, preference shall be given to the training of Indians.

(20 U.S.C. 1119a)

§ 174.86 Programs for teachers of children with limited English speaking ability.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be allocated for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b)(7))

§ 174.87–174.199 [Reserved]

Subpart F—Training and Development Programs for Vocational Education Personnel

§ 174.241 Applicability and program purpose.

The purpose of the programs covered by this subpart is to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

(20 U.S.C. 1119c)

§ 174.242 Special definition.

"State board" means the State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(20 U.S.C. 1119c–2)

§ 174.243 Leadership Development Awards.

In order to meet the needs in all States for qualified vocational education personnel (including administrators, supervisors, teacher educators, researchers and instructors in vocational education) the Commissioner will make leadership development awards to enable experienced vocational educators to spend up to three years in advanced study at an institution of higher education.

(20 U.S.C. 1119c–1119c–1)

§ 174.244 Selection.

Applications for Leadership Development awards shall be submitted to the State Board of Vocational Education for the state in which the applicant is employed or is assured of employment. The State Board shall evaluate the applications and make recommendations to the Commissioner as to which applicants it believes should be awarded grants. The Commissioner will make awards within the apportionment made under § 174.245 and only with respect to persons who meet the conditions of § 174.246.

(20 U.S.C. 1119c–1)

§ 174.245 Allocation of awards.

In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs in all the States, the Commissioner in carrying out this subpart will apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments and the incidence of youth unemployment and school dropouts in each State.

(20 U.S.C. 1119c–1)

§ 174.246 Eligibility of individuals.

(a) The Commissioner will make available leadership development awards in accordance with the provisions of this subpart only upon his determination that the persons selected for such awards

(1) Have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

(2) Are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

(3) Are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as graduate students to a program of higher education approved by the Commissioner pursuant to § 174.247.

(b) In order to receive a leadership development award the person selected shall enroll in an approved vocational educational leadership development program, subject to the provisions of § 174.250 of this subpart.

(20 U.S.C. 1119c–1)

§ 174.247 Stipends to individuals.

The Commissioner will pay to persons selected for leadership development awards a stipend of $3,500 for each academic year of study, plus an allowance of $400 for each dependent. An additional stipend of $700 plus $100 for each dependent may be awarded for the summer.

(20 U.S.C. 1119c–1)

§ 174.248 Conditions for continued eligibility.

Leadership development awards to participate may be available for a period not to exceed three full years. Beyond the first year the award will be subject to the continued availability of Federal funds and satisfactory participation. The Commissioner will determine that a participant is maintaining satisfactory participation only during such periods as he finds that:

(a) The participant is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and

(b) The participant is not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities approved by the Commissioner.

(20 U.S.C. 1119c–1)

§ 174.249 Institutional allowance.

The Commissioner will (in addition to the stipend paid to a person under § 174.247) pay to the institution at which such person is pursuing his course of study an institutional allowance. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of the student. Payments will be made in such amounts and at such times as the Commissioner may, from time to time, determine to be consistent with prevailing practices under comparable Federally supported programs; however, one institutional allowance will not exceed $3,500 per academic year.

(20 U.S.C. 1119c–1)

§ 174.250 Institutional eligibility and approval.

The Commissioner will approve the vocational education leadership development programs of an institution of higher education only upon finding that:

(a) The institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

(b) Such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

(c) Such program is conducted by a school of graduate study in the institution of higher education; and,

(d) Such program is approved also by the State board in the State where the institution is located.

(20 U.S.C. 1119c–1)

§ 174.251 Cooperative Development Awards, Exchange Programs, Institutes, and Inservice Education for Vocational Education Teachers, Supervisors, Coordinators and Administrators.

(a) The Commissioner may award grants to State boards to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, coordinators, and other personnel, in order to strengthen education programs supported under this subpart and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

(b) Each cooperating agency or enterprise shall attest to the accuracy of so much of a proposed cooperative arrangement as is related to its undertaking by signature of an authorized official on the application of the sponsoring State board.

(20 U.S.C. 1119c–2)

§ 174.252 Types of training programs.

Grants under this section may be used for projects and activities such as:

(1) Exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial or other public or private employment related to the subject matter taught in such school;

(2) Inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

(3) Short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education.

(20 U.S.C. 1119c–2)

§ 174.253 Requirements for grant applications.

(a) Sets forth a program for carrying out one or more projects or activities which meet the requirements of § 174.252 and provides for such methods of administration as are necessary for the development of effective vocational education leadership personnel.

(b) Sets forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement or add to the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of § 174.252 and in no case supplant such funds;

(c) Provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart; and

(d) Provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this subpart, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 1119c–2)

[FR Doc.74–6593 Filed 3–20–74;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Orders 58 and 59, Rev. 2 and 5, Amdts. 1 and 3]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Approval of Certain Transactions

Part 221 of Title 46 of the Code of Federal Regulations which prescribes regulations governing the foreign transfer of certain vessels is hereby amended.

Section 37 of the Shipping Act, 1916, as amended (the Act) (46 U.S.C. 835) requires the Assistant Secretary for Maritime Affairs to approve the sale, mortgage, charter or delivery of a vessel owned by a United States citizen or documented under the laws of the United States to a person not a citizen of the United States, or the transfer to foreign registry of any such vessel, or any subsequent transfer of a vessel for which such approval was granted.

The purpose of this amendment is to withdraw the approval granted by 46 CFR 221.4 as required by section 37 of the Act with respect to vessels which are or will be engaged in the fishing industry, and to conform the Appendix to 46 CFR 221.7 to a prior amendment made to 46 CFR 221.4 (37 FR 2851, December 29, 1972). Henceforth, approval of the transfer of such vessels will be handled on a vessel-by-vessel basis.

The United States is a co-founder and member of the InterAmerican Tropical Tuna Commission and has substantial interest in enforcing the rules of the Commission regulating the commercial fishing of tuna. Previously, fishing vessels built in the United States for delivery to persons other than United States citizens, and existing vessels transferred from the United States to foreign registry and ownership, have been used in violation of the Commission's rules. In order not to encourage a rush of such transfers engendered by a notice period, which would be contrary to the public interest, this amendment is effective immediately without notice of proposed rule making (5 U.S.C. 553(b)(3)).

Part 221 of Title 46 is amended as follows:

1. Paragraphs (a), (b), (c), and (d) of § 221.4 are revised to read as follows:

§ 221.4 Approval of certain transactions covered by section 37, Shipping Act, 1916, as amended.

The Department of Commerce, Maritime Administration, hereby grants approval under section 37 of the Shipping Act, 1916, as amended (40 Stat. 901, 46 U.S.C. 835) to the following transactions:

(a) The sale, mortgage, lease, charter, delivery, or transfer, or agreement for the sale, mortgage, lease, charter, delivery, or transfer, to any person not a citizen of the United States of a vessel having an overall length of 65 feet or less other than a vessel that is or will be engaged in the fishing industry, or any interest therein, owned in whole or in part by any person a citizen of the United States, or of any state, territory, district or possession thereof, and which is not documented under the laws of the United States, or the last documentation of which was not under the laws of the United States; and the transfer to or placing under foreign registry or flag of any such vessel;

(b) The making of an agreement or the effecting of an understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest in or the majority of the voting power in a corporation which is organized under the laws of the United States or any state, territory, district or possession thereof, and which owns a vessel described in paragraph (a) of this section;

(c) The entrance into any contract, agreement or understanding to construct within the United States a vessel of any size other than a vessel that will be engaged in the fishing industry for, or to be delivered to, a person not a citizen of the United States; and the transfer to or placing under foreign registry or flag of any such vessel;

(d) The departure from any port of the United States of any vessel other than a vessel that is or will be engaged in the fishing industry which was constructed in whole or in part within the United States, has not been documented under the laws of the United States, and has never been cleared for any foreign port.

* * * * *

2. The first sentence of paragraph A of section II of the Appendix to § 221.7 is amended to read as follows:

A. Transfer of existing vessels of 3,000 gross tons or over to either foreign ownership or registry or both.

* * * * *

Effective date. This amendment shall become effective March 21, 1974.

AUTHORITY: Sec. 43, Shipping Act, 1916, as amended (75 Stat. 766, 46 U.S.C. 841(a)), Reorganization Plan No. 21 of 1950 (64 Stat. 1273), Reorganization Plan No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973).

Dated: March 15, 1974.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6602 Filed 3-20-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-261]

RADIO AND TELEVISION BROADCASTING

Miscellaneous Amendments

In the matter of re-regulation of radio and television broadcasting.

1. As a result of the continuing study by its Task Force on the re-regulation of broadcaseting, the Commission has under consideration the matter of amending certain provisions in Parts 0, 1, 73 and 74 of its rules and regulations.

2. These amendments up-date certain rules, and delete parts of others which are no longer applicable.

3. The following rule changes will be made for the reasons stated:

(a) In § 0.314 *Authority delegated to the Engineers in Charge,* paragraph (b) refers to the delegated authority of EIC's to act on requests for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than required by the rules, or for waivers of other technical requirements of operators at such stations. The rule, as it is stated, inadvertently omits reference to operators at noncommercial educational FM stations.

(1) This omission of a reference to noncommercial educational FM stations could incorrectly be interpreted to mean that this type station is excluded from making such requests or asking for such waivers. This is not the case. Changes are made naming this service in the rules along with standard and FM.

(b) In § 1.547 *Application for permission to use lesser grade operators,* paragraph (a) refers to applications for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules. The rule, as it is stated, inadvertently omits reference to noncommercial educational FM stations.

(1) The omission could be incorrectly interpreted to mean that this type station is excluded from making such applications. This is not the case. Changes are made in the rule to specify this service along with standard and FM stations.

(c) When a licensee applies for permission to use a lesser grade operator than normally required by the rules, he must submit, in writing, a request including specific information (§ 1.547(c)(4)). The licensee must show "that at least one first class operator will be employed full time at the station * * *". All AM, FM, and noncommercial educational FM stations are not required to employ a first class operator full time. Section 1.547(c)(4) is amended to conform with existing rules concerning operator requirements.

Amendment is also made which allows for appointment of a substitute operator, on a pro-tem, non-fulltime basis in the event the station's regularly employed operator is incapacitated. The substitute adequately fulfills the station operator requirement for the purposes of the showing.

(1) The operator showing now conforms to the operator's rules in the AM, FM and noncommercial educational FM services. The amendment, allowing a substitute operator for the incapacitated regular operator, clarifies the requirements for substituting temporarily for a station operator who is off duty due to illness or injury.

(d) The requirement that the chief operator at a station to which temporary permission has been granted to operate with licensed operators of a lesser grade than normally required by Commission rules, must mail written certification to the Engineer-in Charge of the district regarding the lesser grade operator is deleted. (§ 1.547(d).) This certification sets forth the operator's name and license number, and states he has the ability to perform the normal operation of the station.

(1) Such certification are not needed and elimination of the requirement relieves the Commission and the licensee of an unnecessary paper work burden.

(e) Sections 73.52(a); 73.267(c); 73.567(c) and 73.689(b)(3) state that, in emergencies, AM, FM, noncommercial educational FM and TV stations may be operated at reduced power for a period of up to 10 days without further authority from the Commission. If authorized power cannot be restored within 10 days, written request to the Commission in Washington, D.C. must be made by the licensee for formal authorization to continue lower power operation until the problem is remedied. A change in the rules is made here which permits the permittee or licensee to operate at lower power for 30 days without further authority from the Commission, provided he notifies the Commission not later than the 10th day of lower power operation. In the event that normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission of this date.

(1) This change relieves the FCC of the administrative detail of formally authorizing, in writing, continued operation on lower power upon receipt of 10 day notifications. The staff will save many work hours via this relief.

(f) Sections 73.71(b); 73.261(b) and 73.651(a)(3) state that AM, FM and TV stations may, in the event it is impossible to adhere to their operating schedules due to situations beyond their control, limit or discontinue operation for 10 days without further authority from the Commission. The rules further state that if the licensee finds it impossible to return to his normal schedule within 10 days, request for authority must be made from the Commission in Washington, D.C. for such additional time as may be deemed necessary to remedy the cause of the problem. A modification in the rules is made here which permits licensees to limit or discontinue their operating schedules for a period of not more than 30 days without further authority from the Commission, provided notification is sent to the Commission no later than the 10th day of the limited or discontinued schedule. During such period the licensee must strictly adhere to the requirements of the station license pertaining to the lighting of antenna structures. Further, the licensee must notify the Commission, in writing, of the date of return to his authorized operating schedule if such occurs prior to the expiration of the 30 day period.

(1) This change relieves the Commission of the administrative detail of formally authorizing, in writing, limited operation or discontinued operation upon receipt of 10 day notifications. The staff will save many work hours via this relief.

(g) Under the existing rules, a station's chief operator must review each day's operating log within prescribed time periods (24 or 72 hours) and sign and date it after completion of such review. (§§ 73.93(h)(4)(iv); 73.265(d)(5)(iv) and 73.565(d)(5)(iv).) The rules are amended to include the time of the chief operator's review, as well as the date and his signature.

(1) The Field Operations Bureau has been unable to determine if the review of the station's operating log by the chief operator has been within the period prescribed. The addition of the time of the log review will enable field inspectors to accurately ascertain if this time provision of the rule is being carried out.

(h) Sections 73.113(e); 73.283(e) and 73.583(e) are amended to include the

time of the chief operator's review of the operating log as well as the date and his signature thereon.

(l) There is a cross reference in these three Operating Log sections to rules regarding Operator Requirements in §§ 73.93(h)(4)(iv); 73.265(d)(5)(iv); 73.565(d)(5)(iv)—(as amended in (g) above). The notation of the time of the chief operator's review of the logs, added to his signature and the date of the review, conforms to the requirements in these revised sections.

(i) Sections 73.114(b) and 73.284(b) are amended to correct a reference to §§ 73.93(e) and 73.265(e) respectively, concerning the weekly inspections of transmitting systems and monitoring equipment.

(l) The references should be to §§ 73.93(j) and 73.265(h) respectively.

(j) Section 73.310(a) is amended to delete the paragraph heading *FFM broadcast station* and the definition therein. In its place is inserted the corrected heading *FM broadcast channel*, followed by a revised definition.

(l) The definition *FFM broadcast station* is a misprint and is removed from the rules. The heading of the section is corrected to read *FM broadcast channel*. The old definition is deleted and a more exact definition is inserted in its place.

(k) In Subpart E—Aural Broadcast STL and Intercity Relay Stations, § 74.533(b)(4) provides that whenever an unattended aural broadcast STL or intercity relay station is in operation appropriate observations shall be made at the receiving end of the circuit, at intervals not exceeding one hour, by the operator. This is changed to require the appropriate observations at intervals not exceeding three hours.

(l) With the performance and reliability of equipment in general use today, we find no need for more frequent observations than once every three hours. Also, this modification conforms with the change from every 30 minute meter readings to three hour meter readings in the operating logging rules in the AM, FM, non-commercial educational FM and TV services.

(l) Section 73.603(a) is amended to correct the frequency band for television channel 69 from 800–809 MHz to 800–806 MHz.

(l) The designation, as shown in the present rule, is incorrect.

(m) In Subpart F—Television Auxiliary Broadcast Stations, Section 74.635(a)(4) states that one of the conditions pertaining to unattended operation of TV intercity relay stations and TV STL stations, is the requirement that appropriate observations shall be made at the receiving end of the circuit, at intervals not exceeding one hour, by the operator. This is changed to require the appropriate observations at intervals of not more than three hours.

(l) There is no need for more frequent observations than once every three hours in view of the performance and reliability of equipment in use today. This modification conforms with the change from 30 minute meter readings to three hour meter readings in the operating log rules in the AM, FM, noncommercial educational FM and TV services.

4. Amendments hereby adopted are editorial revisions, and deletions and relaxations of existing rule provisions which we consider no longer necessary. We believe they will inure to the benefit of many and to the detriment of none, and that they will better serve the public interest. Therefore, prior notice of rulemaking and public procedure thereon, are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553(b)(3)(B).

5. Therefore, *It is ordered*, That, pursuant to sections 4(i) and 303(j) and (r) of the Communications Act of 1934, as amended, Parts 0, 73, and 74 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective April 29, 1974.

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

Adopted: March 13, 1974.

Released: March 15, 1974.

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

PART 0—COMMISSION ORGANIZATION

1. Section 0.314(b) is amended to read as follows:

§ 0.314 Authority delegated to the engineers in charge.

* * * * *

(b) For temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

* * * * *

PART 1—PRACTICE AND PROCEDURE

2. Section 1.547(d) is deleted and (a) and (c)(4) are amended to read as follows:

§ 1.547 Application for permission to use lesser grade operators.

(a) Application for temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

* * * * *

(c) * * *

(4) A showing that at least one operator of the class required pursuant to §§ 73.93(b), 73.265(b) or 73.556(b) (1), (2), (3) will be employed full time, or on a contract basis for those stations using contract operators pursuant to §§ 73.93(c), 73.265(c) or 73.565(c), and that such operator will be available on call at all times in the event of equipment failure. If this operator is incapacitated temporarily, appointment of a qualified operator on a pro-tem non-full-time basis is allowed. He must be available on call at all times in the event of equipment failure.

* * * * *

PART 73—RADIO BROADCAST SERVICES

3. Section 73.52(a) is amended to read as follows:

§ 73.52 Antenna input power; maintenance of.

(a) The actual antenna input power of each station shall be maintained as near as is practicable to the authorized antenna input power and shall not be less than 90 percent nor greater than 105 percent of the authorized power; except that if, in an emergency, it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. not less than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

4. Section 73.71(b) is amended to read as follows:

§ 73.71 Minimum operation schedule.

* * * * *

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, provided that notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such

period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

5. Section 73.93(h)(4)(iv) is amended to read as follows.

§ 73.93 Operator requirements.

* * * * *

(h) * * *

(4) * * *

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating log shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hour period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review shall not exceed 72 hours.

* * * * *

6. Section 73.113(e) is amended to read as follows:

§ 73.113 Operating log.

* * * * *

(e) If required by § 73.93(h)(4)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

7. Section 73.114(b) is amended to read as follows:

§ 73.114 Maintenance log.

* * * * *

(b) Upon completion of the inspection required by § 73.93(j), the inspecting operator shall enter a signed statement that the required inspection has been made noting in detail the tests, adjustments, and repairs which were accomplished in order to insure operation in accordance with the provisions of this subpart and in the current instrument of authorization of the station. The statement shall also specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to such inspection duties. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reason for failure to make satisfactory repairs.

* * * * *

8. Section 73.261(b) is amended to read as follows:

§ 73.261 Time of operation.

* * * * *

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If the causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

9. Section 73.265(d)(5)(iv) is amended to read as follows:

§ 73.265 Operator requirements.

* * * * *

(d) * * *

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating logs shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hour period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review cannot exceed 72 hours.

* * * * *

10. Section 73.267(c) is amended to read as follows:

§ 73.267 Operating power, determination and maintenance of;

* * * * *

(c) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

11. Section 73.283(e) is amended to read as follows:

§ 73.283 Operating log.

* * * * *

(e) If required by § 73.265(d)(5)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

12. Section 73.284(b) is amended to read as follows:

§ 73.284 Maintenance log.

* * * * *

(b) Upon completion of the inspection required by § 73.265(h), the inspecting operator shall enter a signed statement that the required inspection has been made, noting in detail the tests, adjustments, and repairs which were accomplished in order to insure operation in accordance with the provisions of this subpart and the current instrument of authorization of the station. The statement shall also specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to such inspection duties. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

* * * * *

13. In § 73.310 the definition *FM broadcast station* is deleted and a new definition is inserted in lieu thereof as follows:

§ 73.310 Definitions.

(a) *Frequency modulation.*

* * * * *

FM broadcast channel. A band of frequencies 200 kHz wide and designated by its center frequency. Channels for FM broadcast stations begin at 88.1 MHz and continue in successive steps of 200 kHz's to and including 107.9 MHz.

* * * * *

14. Section 73.565(d)(5)(iv) is amended to read as follows:

§ 73.565 Operator requirements.

* * * * *

(d) * * *

(5) * * *

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If

the review of operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating logs shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hours period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review cannot exceed 72 hours.

* * * * *

15. Section 73.567(c) is amended to read as follows:

§ 73.567 Operating power; determination and maintenance of.

* * * * *

(c) *Reduced power.* If a station licensed for transmitter power output greater than 10 watts finds it technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

16. Section 73.583(e) is amended to read as follows:

§ 73.583 Operating log.

* * * * *

(e) If required by § 73.565(d)(5)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

17. Section 73.603(a) is amended to read as follows:

§ 73.603 Numerical designation of television channels.

(a):

Channel No.	*Frequency band (MHz)*
*	*
69	800–806
*	*

18. Section 73.651(a)(3) is amended to read as follows:

§ 73.651 Time of operation.

(a) * * *

(3) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If the causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

19. Section 73.689(b)(3) is amended to read as follows:

§ 73.689 Operating power.

* * * * *

(b) * * *

(3) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event the normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

20. Section 74.533(b)(4) is amended to read as follows:

§ 74.533 Remote control and unattended operation.

* * * * *

(b) * * *

(4) Whenever an unattended aural broadcast STL or intercity relay station is in operation, appropriate observations shall be made at the receiving end of the circuit at intervals not exceeding 3 hours by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

* * * * *

21. Section 74.635(a)(4) is amended to read as follows:

§ 74.635 Unattended operation.

(a) * * *

(4) In the case of television intercity relay stations and television STL stations, appropriate observations shall be made at intervals not exceeding 3 hours during the period of their operation, at the receiving end of the circuit, by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

* * * * *

[FR Doc.74-6594 Filed 3-20-74;8:45 am]

[Docket No. 19663; FCC 74-270]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Assignment

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Craig, Fort Collins, Greeley, Pueblo, Steamboat Springs, Vail and Windsor, Colorado, and Laramie and Torrington, Wyoming), RM-1895, RM-1896.

1. The Commission has before it the notice of proposed rulemaking and Memorandum Opinion and Order adopted in this proceeding on December 20, 1972 (38 FR 805) and the comments and reply comments filed in response by Harry P. Brewer, Colorado RG, Inc., and Charles R. Tuma.

2. At issue in this proceeding is the making of additional Class C FM assignments in northern Colorado. When adopting the earlier document the Commission concluded that the making of three new Class C assignments in this area was not warranted but that two such assignments might well be. Thus, comments were invited on such an approach and on the choice to be made among the three communities vying for assignments: Greeley, Fort Collins and Windsor, Colorado. To accomplish the proposed assignments, other changes in the FM Table would be required effecting a substitute assignment in Craig, Colorado, and others in Laramie and Torrington, Wyoming. Specifically, the Notice proposed assigning Channel 241 to Greeley, Colorado, and Channel 256 to Fort Collins or Windsor, Colorado. No counterproposals have been advanced urging that the assignments be made to other communities, so the choice before us is whether to make the two assignments and if so, where to make them. All of the parties have confirmed their intention to proceed should these channels be assigned.

3. These three communities are in the same general area so that the use of each channel would bring excellent reception service to all of them. They extend on a line running northwest to southeast, with Windsor in the center and the others 11 miles away from it, Fort Collins to the northwest and Greeley to the southeast. The information submitted in response to the Notice confirms the view earlier expressed tentatively, namely, that two additional assignments are needed in this fast growing area. Since the assignments could be made without serious preclusionary consequences and each channel could be used consistent with applicable spacing and other engi-

neering requirements, we shall proceed to assign Channels 241 and 256.

4. Both Fort Collins and Greeley are substantial communities that have existing full-time radio service. Windsor, on the other hand, is a small community that has only a daytime AM station. Each of the parties urges an approach that responds to its needs while in effect providing the other two with the "leftovers". For the most part, the significant facts are not in dispute, so we need not specifically set forth all of the separate arguments of the parties. Instead, we shall make our own evaluation of the respective needs of the communities.

5. Fort Collins, the largest of the three communities, had a 1970 population of 43,337. It has two occupied FM channels and two AM stations—one full-time and one daytime-only. Ordinarily, a community of less than 50,000 population is assigned no more than two channels, but Fort Collins' fast growth pattern indicates that it may have reached 50,000 already. Even if it has not, it soon would be expected to, and we need to take such facts into consideration when making assignments. We are also mindful of the importance of Fort Collins in the surrounding area and its position as seat of Larimer County. Communities of 50,000 to 100,000 are normally assigned 2 to 4 channels, and we are of the view that Fort Collins should not be precluded from obtaining a third FM assignment because its 1970 population was below the dividing line.[1]

6. Greeley is not quite as large as Fort Collins, having a population of 38,902, but unlike Fort Collins, it has only one FM assignment. It also has two full-time AM stations. A second FM assignment would be in keeping with its size and position as county seat. Windsor, on the other hand, has a population of only 1,564. In its favor is the lack of an FM assignment and the lack of a local full-time radio facility. However, it is indeed small and particularly where a Class C channel is involved[2], a question arises about the appropriateness of such an assignment. The parties have cited cases on behalf of or in opposition to making a Class C assignment to a community of this size. Charles R. Tuma (Fort Collins proponent) referred to our general policy to assign Class C channels to larger communities which began with the further notice of proposed rulemaking in the FM allocations proceeding (FCC 62–867) and to the Third Report and Memorandum Opinion and Order in that proceeding, 23 R.R. 1859 (1963). It was Tuma's view that Windsor was neither large enough in itself, nor was it in the category of a small community needing to reach a large surrounding rural area in order to survive. He also pointed to the denial of a requested assignment at Hartselle, Alabama, 22 R.R. 2d 1653, 1660, because, inter alia, it was in the same county as and received service from another larger community. Harry P. Brewer, on behalf of Windsor's needs, cited the Commission policy to give major priority to a first FM service as for example in Crystal River, Florida, FCC 73–158. While acknowledging the usual practice of assigning Class C channels to larger communities, he pointed out that the Commission has assigned Class C channels to smaller communities where circumstances warrant, as for example in Harrisonville, Missouri, 6 F.C.C. 2d 239, 8 R.R. 2d 1724 (1967). Because of the wide disparity in factual situations, there are instances in which varying approaches have been followed. Each of the views now before us has some support in the cases, and it is true that we could evaluate matters so as to finally adjudicate the position of Windsor without a hearing on applications. However, this is a question which in this instance is best resolved in a hearing on competing applications. If we assigned the channels to Greeley and Fort Collins, the Windsor applicant could file for either and have its arguments about Windsor's needs heard. While there are some restrictions on where the transmitter sites for the two channels would have to be located, appropriate sites appear to be available from which required city coverage could be provided to either Fort Collins and Windsor on the one hand or to Greeley and Windsor on the other. Mr. Brewer mentions the McKenzie, Tennessee FM proceeding, 5 R.R. 2d 1530 (1965), as indicating that the Commission is not required to leave matters for resolution based on the applications which are filed. The point is valid enough but inapplicable here. Where a choice can better be made in a rulemaking proceeding, we are not precluded from so acting, but the reverse is also true. If it is better to defer matters, that possibility is also open to us. Unlike the McKenzie case where the larger community had no FM assignment and the smaller one already did, the choice is not so easily made on the showings now before us. There are arguments on both sides that need further airing and this is only efficiently possible in a hearing on competing applications.

7. If Windsor were given either assignment, it would work an absolute preclusion for one of the other communities. This is the case because the rules do not permit the removal of a channel for use in a listed community. Windsor is not listed in the FM Table, so it is not so precluded. There is one final point in connection with the use of the channel at Windsor which needs to be mentioned. The charge has been made considering the site a Windsor station would use and the smallness of Windsor in comparison to other populations which would be served by a Class C station, a question would exist about whether the proposal in fact would realistically be for another larger community instead. See Berwick Broadcasting Corp., 17 R.R. 2d 884 (1969). Charles R. Tuma asserted that the site would have to be about 11 miles northeast of Windsor and that Fort Collins is 11 miles northeast of Windsor. The fact is that Fort Collins is 11 miles northwest of Windsor, not northeast. Even so, the site would permit a station to provide a city-grade signal to Windsor and Fort Collins. This is a question best answered in a hearing, and in any event, is not one we need to consider now in view of our decision on how to proceed. As to the viability of Windsor, both Tuma and Brewer cite the Baytown, Texas TV assignment case, 11 F.C.C. 941, 12 R.R. 2d 1581 (1968). Tuma reads the case as indicating that the Commission will not assign a channel to a small community where the facts tend to indicate that the station would realistically serve a larger community. Brewer contends that where the Commission has doubts on this score, it will require a showing, and since we did not, that the question did not arise. For a number of reasons television precedents, including this one, are not always determinative in FM allocations. Even if it were directly pertinent, this matter is incorporated under consideration of a possible Berwick issue as described above and does not require separate or different treatment here.

8. We shall assign Channel 241 to Greeley, Colorado, and Channel 256 to Fort Collins, Colorado. This will necessitate a change in Channel 236 at Craig, Colorado, for which Channel 273 will be substituted and a change in Channel 257A at Torrington, Wyoming, for which Channel 252A will be substituted. These channels are vacant as is Channel 241 at Laramie, Wyoming for which Channel 236 will be substituted.[3] Channel 255 at Laramie is not vacant, but the permittee accepted its construction permit subject to the substitution of Channel 275, as is being done. Therefore, a show cause order need not be issued. Instead, we shall order the change in channel and shall issue a modified permit specifying Channel 275.

9. Accordingly, *it is ordered,* Pursuant to authority contained in Sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, that the FM Table of Assignments § 73.-202(b) of the Commission's Rules is amended effective April 29, 1974, insofar as the cities listed are concerned to read as follows:

[1] In his petition in support of an additional assignment for Fort Collins, Charles R. Tuma added the student body at Colorado State University to the listed population to get a total of over 60,000 residents. This is incorrect, for as in previous censuses, students are included in the population figures for the city where the college is located. However, as described above, we do not need to rely on such an increment in Fort Collins' population figure.

[2] A Class C channel is involved because the only Class A assignment which could be made would require a site 11 miles from Windsor. From this site, a Class A station would be unable to provide the requisite signal level to Windsor.

[3] The applicant now seeking use of Channel 241 at Laramie will need to amend its application to specify the new channel.

City	Channel No.
Craig, Colo	229, 273
Fort Collins, Colo	227, 256, 300
Greeley, Colo	222, 241
Laramie, Wyo	236, 275
Torrington, Wyo	252A

10. *It is further ordered,* That the outstanding permit for Channel 255 at Laramie, Wyoming, is modified to specify Channel 275.

11. *It is further ordered,* That the proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 306, 307.)

Adopted: March 13, 1974.

Released: March 18, 1974.

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

[FR Doc.74-6595 Filed 3-20-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8267, S7-435]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Requirements that Registered Investment Companies Maintain Fidelity Bonds for Certain Officers and Employees

On September 7, 1973, the Securities and Exchange Commission published notice (Investment Company Act of 1940 Release No. 7980 [38 FR 26133]) that it had under consideration the adoption of a revised amendment to Rule 17g-1 [CFR 270.17g-1] under the Investment Company Act of 1940 ("Act") [1] and invited all interested persons to submit their views and comments on the proposal. The Commission has considered all of the comments and suggestions received and has determined to adopt the amendment of Rule 17g-1 in the form set forth below. The amendment to Rule 17g-1 is adopted pursuant to the authority granted to the Commission by Sections 6(c), 17(d), 17(g) and 38(a) of the Act. [15 U.S.C. 80a-6(c), 80a-17(d), 80a-17(g), 80a-37(a)].

Section 17(g) of the Act authorizes the Commission to require by rules and regulations, for the protection of investors, that any officer and any employee of a registered management investment company be bonded by a reputable fidelity insurance company against larceny and embezzlement if such officer or employee has access, singly or jointly with others, to securities or funds of any registered investment company, either directly or through authority to draw upon such funds, or to direct generally the disposition of such securities.

Rule 17g-1, as formerly in effect, required a registered management investment company to provide and maintain a fidelity bond in such reasonable amount as a majority of its board of directors who were not covered persons would determine, subject to modification by the Commission as to the amount, type, form and coverage of such bond. It also required, among other things, that a copy of the bond be filed with the Commission, and that an investment company notify the Commission immediately upon cancellation or termination of its bond.

COVERAGE AND SCOPE

The amendment to the Rule primarily sets forth minimum required amounts of coverage (paragraph (d)) and permits a registered management investment company to be named as an insured in a single or joint insured bond (paragraph (b)). A single insured bond names the registered management investment company as the only insured. A joint insured bond, pursuant to the amended Rule, could name as insureds the registered management investment company and one or more other parties, provided that such parties shall be limited to (i) persons engaged in the management or distribution of the shares of the registered management investment company, (ii) other registered management investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons), (iii) persons who are engaged in the management and/or distribution of shares of companies included in (ii) above, (iv) affiliated persons of any registered management investment company named in the bond or of any person included in (i) or (iii) above who are engaged in the administration of any registered management investment company named as insured in the bond, and (v) any trust, pension, profit-sharing or other benefit plan for officers, directors or employees of persons named in the bond.[2] Persons engaged in the "administration" of registered management investment companies may include any persons who perform services for the investment company or are involved in the distribution of its shares, including, for example, in-house service agents, depositors, sponsors and others. The use of joint insured bonds by investment companies is permissive rather than mandatory.[3]

In this regard, the Commission has also added paragraph (j) to Rule 17g-1 in order to remove any question as to the status of joint insured bonds and the participants therein under Section 17(d) of the Act and Rule 17d-1 thereunder. Section 17(d) and Rule 17d-1(a) [17 CFR 17d-1(a)] in pertinent part, prohibit any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such person, from participating in any joint transaction, enterprise or other arrangement in which such registered investment company, is also a participant unless an application regarding such joint transaction, enterprise or other arrangement has been filed with, and approved by, the Commission. In view of the possibility that joint insured bonds may constitute joint arrangements as contemplated by section 17(d) and Rule 17d-1(a), paragraph (j) has been added to the Rule to exempt from the provisions of Section 17(d) and the rules thereunder any joint insured bonding arrangement which complies with the provisions of Rule 17d-1, as amended.

The amended Rule also sets forth certain minimum factors to be considered by the directors of investment companies who are not "interested" persons in approving the amount and form of coverage of the bond (paragraph (d)) and the portion of the premium to be paid by investment companies covered under joint insured bonds (paragraph (e)). In approving the form and amount of the bond, the non-interested directors of investment companies should consider, not less than once every twelve months, all relevant factors including, but not limited to, the value of the company's assets to which any covered person may have access, the custody arrangements for such assets, and the nature of the Company's portfolio securities. With respect to approving the portion of the premium to be paid by an investment company covered under a joint insured bond, some of the factors which presumably would be considered include the number of other joint insureds, the business of these insureds, the amount of the bond and premium, and the economies, if any, to be derived from joint, rather than single, bonding coverage.

Pursuant to the amendment, each party named as an insured in a joint bond is required to enter into an agreement with all of the other named insureds providing that in the event of recovery under the bond as a result of a loss sustained by the investment company and one or more other insureds, the investment company shall receive an equitable and proportionate share of the recovery, but at least equal to the amount which it would have received had it maintained a single insured bond with minimum coverage (paragraph (f)).

NOTIFICATION AND FILING

The amendment to Rule 17g-1 also extends the period for notification of cancellations, terminations and modifications of individual and single insured bonds to not less than sixty days prior

[1] Investment Company Act of 1940 Release No. 7980 gave notice of revisions of a proposed amendment to Rule 17g-1 published for comment in Investment Company Act of 1940 Release No. 7170 (April 5, 1972) [37 FR 7993].

[2] For purposes of subparagraph (b)(3)(v), "employees of persons named in the bond" includes sales representatives of any person included in (b)(3)(i) through (b)(3)(v).

[3] There may be situations in which it is necessary or appropriate in the interest of investors and consistent with the policies and provisions of the Act for persons not included in paragraph (b) of the Rule to be named as joint insureds under the bond. In such instances the Commission will consider an application for exemptive relief to allow such persons to be included.

to the effective date of cancellation, termination or modification (paragraph (c)). In order to to provide the protections for jointly insured investment companies which presently exist for solely insured investment companies, paragraph (c) further requires that a joint insured bond shall provide that the fidelity insurance company shall furnish to each named investment company under the bond and to the Commission notice of cancellation, termination or modification of the bond not less than sixty days prior to the effective date of cancellation, termination or modification. This paragraph also requires that joint bonds provide that the fidelity insurance company furnish each insured investment company with a copy of the bond and any amendment thereto, a copy of each formal filing of a claim under the bond by any other named insured, and notification of the terms of the settlement of each such claim prior to the execution of such settlement.[4]

Paragraph (g) of the amended Rule sets forth certain filing and reporting requirements for investment companies covered under either single or joint insured bonds similar to those requirements imposed by the former Rule. With respect to the filing requirements of this paragraph, investment companies should attempt to obtain copies of their bonds, and amendments thereto, promptly after execution, and should file the required documents within 10 days after receipt of the executed bond or any executed amendment to such bond.

Registered management investment companies are also required to conform their fidelity bonding arrangements to the provisions of Rule 17g–1, as amended, at the next anniversary date of their existing fidelity bonds, but not later than one year from the effective date of this amendment.

Commission Action

The Securities and Exchange Commission pursuant to the authority granted to it by sections 6(c), 17(d), 17(g) and 38(a) of the Investment Company Act of 1940 hereby amends Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by amending § 270.17g–1. The text of § 270.17g–1, as amended, is as follows:

§ 270.17g–1 Bonding of officers and employees of registered management investment companies.

(a) Each registered management investment company shall provide and maintain a bond which shall be issued by a reputable fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, covering each officer and employee of the investment company, who may singly, or jointly with others, have access to securities or funds of the investment company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities, unless the officer or employee has such access solely through his position as an officer or employee of a bank (hereinafter referred to as "covered persons").

(b) The bond may be in the form of (1) an individual bond for each covered person or a schedule or blanket bond covering such persons, (2) a blanket bond which names the registered management investment company as the only insured (hereinafter referred to as "single insured bond") or (3) a bond which names the registered management investment company and one or more other parties as insureds (hereinafter referred to as a "joint insured bond"), such other insured parties being limited to (i) persons engaged in the management or distribution of the shares of the registered investment company, (ii) other registered investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons), (iii) persons who are engaged in the management and/or distribution of shares of companies included in paragraph (b)(3)(ii) of this section, (iv) affiliated persons of any registered management investment company named in the bond or of any person included in paragraph (b)(3)(i) or (b)(3)(iii) of this section hereinabove who are engaged in the administration of any registered management investment company named as insured in the bond, and (v) any trust, pension, profit-sharing or other benefit plan for officers, directors or employees of persons named in the bond.

(c) A bond of the type described in paragraphs (b)(1) or (b)(2) of this section shall provide that it shall not be cancelled, terminated or modified except after written notice shall have been given by the acting party to the affected party and to the Commission not less than sixty days prior to the effective date of cancellation, termination or modification. A joint insured bond described in paragraph (b)(3) of this section shall *Provide*, That (1) it shall not be cancelled terminated or modified except after written notice shall have been given by the acting party to the affected party, and by the fidelity insurance company to all registered investment companies named as insureds and to the Commission, not less than sixty days prior to the effective date of cancellation, termination, or modification and (2) the fidelity insurance company shall furnish each registered management investment company named as an insured with (i) a copy of the bond and any amendment thereto promptly after the execution thereof, (ii) a copy of each formal filing of a claim under the bond by any other named insured promptly after the receipt thereof, and (iii) notification of the terms of the settlement of each such claim prior to the execution of the settlement.

(d) The bond shall be in such reasonable form and amount as a majority of the board of directors of the registered management investment company who are not "interested persons" of such investment company as defined by section 2(a)(19) of the Act shall approve as often as their fiduciary duties require, but not less than once every twelve months, with due consideration to all relevant factors including, but not limited to, the value of the aggregate assets of the registered management investment company to which any covered person may have access, the type and terms of the arrangements made for the custody and safekeeping of such assets, and the nature of the securities in the company's portfolio; provided, however, that (1) the amount of a single insured bond shall be at least equal to an amount computed in accordance with the following schedule:

Amount of Registered Management Investment Company Gross Assets—at the end of the most recent fiscal quarter prior to date of determination (In Dollars)	*Minimum Amount of Bond (In Dollars)*
Up to 500,000	50,000.
500,000 to 1,000,000	75,000.
1,000,000 to 2,500,000	100,000.
2,500,000 to 5,000,000	125,000.
5,000,000 to 7,500,000	150,000.
7,500,000 to 10,000,000	175,000.
10,000,000 to 15,000,000	200,000.
15,000,000 to 20,000,000	225,000.
20,000,000 to 25,000,000	250,000.
25,000,000 to 35,000,000	300,000.
35,000,000 to 50,000,000	350,000.
50,000,000 to 75,000,000	400,000.
75,000,000, to 100,000,000	450,000.
100,000,000 to 150,000,000	525,000.
150,000,000 to 250,000,000	600,000.
250,000,000 to 500,000,000	750,000.
500,000,000 to 750,000,000	900,000.
750,000,000 to 1,000,000,000	1,000,000.
1,000,000,000 to 1,500,000,000	1,250,000.
1,500,000,000 to 2,000,000,000	1,500,000.
Over 2,000,000,000	1,500,000 plus 200,000 for each 500,000,000 of gross assets up to a maximum bond of 2,500,000.

[4] Any provision of any single or joint insured bond which provide for the waiver of any of the notification requirements imposed by this Rule shall be void pursuant to Section 47(a) [15 USC 80a–46(a)] of the Act. Section 47(a) of the Act provides that—

Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation or order thereunder shall be void.

(2) A joint insured bond shall be in an amount at least equal to the sum of (i) the total amount of coverage which each registered management investment company named as an insured would have been required to provide and maintain individually pursuant to the schedule hereinabove had each such registered management investment company not been named under a joint insured bond, plus (ii) the amount of each bond which each named insured other than a registered management investment company would have been required to provide and maintain pursuant to federal statutes or regulations had it not been named as an insured under a joint insured bond.

(e) No premium may be paid for any joint insured bond or any amendment thereto unless a majority of the board of directors of each registered management investment company named as an insured therein who are not "interested persons" of such company shall approve the portion of the premium to be paid by such company, taking all relevant factors into consideration including, but not limited to, the number of the other parties named as insured, the nature of the business activities of such other parties, the amount of the joint insured bond, and the amount of the premium for such bond, the ratable allocation of the premium among all parties named as insureds, and the extent to which the share of the premium allocated to the investment company is less than the premium such company would have had to pay if it had provided and maintained a single insured bond.

(f) Each registered management investment company named as an insured in a joint insured bond shall enter into an agreement with all of the other named insureds providing that in the event recovery is received under the bond as a result of a loss sustained by the registered management investment company and one or more other named insureds, the registered management investment company shall receive an equitable and proportionate share of the recovery, but at least equal to the amount which it would have received had it provided and maintained a single insured bond with the minimum coverage required by paragraph (d)(1) of this section.

(g) Each registered management investment company shall:

(1) File with the Commission (i) within 10 days after receipt of an executed bond of the type described in paragraphs (b)(1) or (b)(2) of this section or any amendment thereof, (*a*) a copy of the bond, (*b*) a copy of the resolution of a majority of the board of directors who are not "interested persons" of the registered management investment company approving the form and amount of the bond, and (*c*) a statement as to the period for which premiums have been paid; (ii) within 10 days after receipt of an executed joint insured bond, or any amendment thereof, (*a*) a copy of the bond, (*b*) a copy of the resolution of a majority of the board of directors who are not "interested persons" of the registered management investment company approving the amount, type, form and coverage of the bond and the portion of the premium to be paid by such company, (*c*) a statement showing the amount of the single insured bond which the investment company would have provided and maintained had it not been named as an insured under a joint insured bond, (*d*) a statement as to the period for which premiums have been paid, and (*e*) a copy of each agreement between the investment company and all of the other named insureds entered into pursuant to paragraph (f) of this section; and (iii) a copy of any amendment to the agreement entered into pursuant to paragraph (f) of this section within 10 days after the execution of such amendment,

(2) File with the Commission, in writing, within five days after the making of any claim under the bond by the investment company, a statement of the nature and amount of the claim,

(3) File with the Commission, within five days of the receipt thereof, a copy of the terms of the settlement of any claim made under the bond by the investment company, and

(4) Notify by registered mail each member of the board of directors of the investment company at his last known residence address of (i) any cancellation, termination or modification of the bond, not less than forty-five days prior to the effective date of the cancellation or termination or modification, (ii) the filing and of the settlement of any claim under the bond by the investment company, at the time the filings required by paragraph (g) (2) and (3) of this section are made with the Commission, and (iii) the filing and of the proposed terms of settlement of any claim under the bond by any other named insured, within five days of the receipt of a notice from the fidelity insurance company.

(h) Each registered management investment company shall designate an officer thereof who shall make the filings and give the notices required by paragraph (g) of this section.

(i) Where the registered management investment company is an unincorporated company managed by a depositor, trustee or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this rule, the officers and employees of the depositor, trustee, or investment adviser.

(j) Any joint insured bond provided and maintained by a registered management investment company and one or more other parties shall be a transaction exempt from the provisions of section 17(d) of the Act and the rules thereunder, provided that the terms and provisions of such bond comply with the provisions of this rule, and further provided that the terms and provisions of any agreement required by paragraph (f) of this section comply with the provisions of that paragraph.

(k) At the next anniversary date of an existing fidelity bond, but not later than one year from the effective date of this rule, arrangements between registered management investment companies and fidelity insurance companies and arrangements between registered management investment companies and other parties named as insureds under joint insured bonds which would not permit compliance with the provisions of this rule shall be modified by the parties so as to effect such compliance.

(Secs. 6(c), 17(d), 17(g), 38(a); 54 Stat. 800, 815, 84 Stat. 1421, 54 Stat. 841; (15 U.S.C. 80a-6(c), 80a-17(d), 80a-17(g), 80(a)-37(a)))

This amendment shall become effective on April 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 14, 1974.

[FR Doc.74-6723 Filed 3-20-74;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the

Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
* *	* * * * *	*	*
Applied Science Laboratories, Inc.	Allylisobutylbarbituric acid, No. 01742.	Vial: 1 ml	Jan. 24, 1973
Do	Alphenal, No. 01743	do	Do.
Do	Amobarbital, No. 01744	do	Do.
Do	Amphetamine HCL, No. 01745	do	Do.
Do	Aprobarbital, No. 01746	do	Do.
Do	Barbital, No. 01747	do	Do.
Do	Butabarbital, No. 01748	do	Do.
Do	Butethal, No. 01749	do	Do.
Do	Cocaine, No. 01750	do	Do.
Do	Codeine, No. 01751	do	Do.
Do	Diallylbarbituric acid, No. 01752	do	Do.
Do	Ethchlorvynol, No. 01753	do	Do.
Do	Ethinamate, No. 01754	do	Do.
Do	Ethylmorphine HCL, No. 01755	do	Do.
Do	Glutethimide, No. 01756	do	Do.
Do	Hexobarbital, No. 01757	do	Do.
Do	Hydrocodone Bitartrate, No. 01758	do	Do.
Do	Meperidine HCL, No. 01759	do	Do.
Do	Mephobarbital, No. 01760	do	Do.
Do	Meprobamate, No. 01761	do	Do.
Do	Mescaline, No. 01762	do	Do.
Do	Methadone HCL, No. 01763	do	Do.
Do	Methamphetamine HCL, No. 01764	do	Do.
Do	Methylphenidate, No. 01774	do	Do.
Do	Morphine, No. 01765	do	Do.
Do	Nalorphine, No. 01766	do	Do.
Do	Pentobarbital, No. 01767	do	Do.
Do	Phenazocine HBr, No. 01768	do	Do.
Do	Phencyclidine HCL, No. 01769	do	Do.
Do	Phenobarbital, No. 01770	do	Do.
Do	Secobarbital, No. 01771	do	Do.
Do	Thebaine, No. 01772	do	Do.
Do	Thiamylal, No. 01773	do	Do.
* *	* * * * * *	*	*
Grand Island Biological Co.	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 011815 0247 1.	Bottle: 1 Liter	Jan. 28, 1974
Do	Diseragen, NDC 011815 1548 1	Vial: 50 ml	Nov. 21, 1973
Do	Diseragen, NDC 011815 1548 2	Vial: 100 ml	Do.
Do	Dextrose-Gelatin-Veronal with Bovine Albumin.	do	Do.
Do	do	Vial: 500 ml	Do.
Do	Electrophoresis Buffer Solution, pH 8.6, NDC 011815 0245 1.	Bottle: 1 Liter	Jan. 28, 1974
Do	I.E.P. Buffer Solution, pH 8.2, NDC 011815 0246 1.	do	Do.
Do	Gibform Adsorption Cells, NDC 011815 0225 1.	Vial: 6 ml	Nov. 21, 1973
Do	Gibform Indicator Cells, NDC 011815 0220 1.	Vial: 15 ml	Do.
* *	* * * * * *	*	*
Hoffman LaRoche, Inc	Abuscreen™ Mor-Barb Radioimmunoassay for Morphine-Barbiturates.	Vial: 5 ml., 60 ml., and 100 ml. Bottle: 500 ml.	Dec. 27, 1973
Do	Abuscreen™ Radio-immunoassay for Amphetamine.	Kit containing Vials of 5 ml., 30 ml., and 100 ml. and Bottle: 500 ml.	Jan. 14, 1974
* *	* * * * * *	*	*
LKB Instruments, Inc	Barbital Buffer pH 8.6, No. LKB-5104-180.	Vial: 290 ml	Jan. 3, 1974
* *	* * * * * *	*	*
Millipore Corp	Electro-AgaroSlide Buffer No. 1 Cat. No. XE21 032 20.	Vial: 10.19 gm	Jan. 29, 1974
Do	Electro-AgaroSlide Electrophoresis Diluent No. 1, Cat. No. XE21 032 30.	Bottle: 120 ml	Do.
* *	* * * * * *	*	*

Effective date. This order is effective March 21, 1974. Any interested person may file written comments on or objections to the order on or before May 20, 1974. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: March 15, 1974.

ANDREW C. TARTAGLINO,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-6538 Filed 3-20-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 74-2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Drug Enforcement Administration

APPENDIX TO SUBPART R—REDELEGATION OF FUNCTIONS

Under the authority delegated to the Administrator of the Drug Enforcement Administration by §§ 0.100 and 0.104 of Subpart R, I hereby make the following change in Directive 73-1, 38 FR 18381.

Section 3 is amended by adding a new paragraph (e) as follows:

SECTION 3. Enforcement officers.

* * * * *

(e) The Chief Inspector and Inspectors-in-Charge of field inspection offices are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876.

Dated: March 14, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-6537 Filed 3-20-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Subchapter G—Engineering and Traffic Operations

PART 652—BIKEWAYS AND WALKWAYS IN CONJUNCTION WITH FEDERAL AND FEDERAL-AID HIGHWAYS

By virtue of authority contained in 23 U.S.C. 106, 217 and 315, the Federal Highway Administration hereby issues this regulation. In that this material is a matter relating to a grant program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking opportunity for public participation and delay in effective date are inapplicable. Further, delay in promulgation of this regulation would hinder the use of funds appropriated for use in fiscal year 1974 for bikeways and walkways

However, because of public interest in this matter, interested persons may submit comments on this regulation to the Associate Administrator for Engineering and Traffic Operations, Federal Highway Administration, Washington, D.C. 20590, Attention: Bikeways, FHWA Docket No. 74-1, by April 5, 1974. Material thus submitted will be considered and evaluated in determining any changes to this regulation. Until such time as further changes are made, the regulation as here set forth shall remain in effect.

Sec.
652.1. Purpose.
652.2. Definition.
652.3. Policy.

Sec.
652.4. Federal Participation.
652.5. Planning.
652.6. Programming.

AUTHORITY: (23 U.S.C.) 106, 217 and 315.

§ 652.1 Purpose.

The purpose of this subsection is to provide policies and procedures relating to bicycle and pedestrian facilities on Federal-aid system highways and Federal participation in the cost of these facilities.

§ 652.2 Definitions.

(a) "Bicycle" means a two-wheeled vehicle propelled solely by human power.

(b) "Bikeway" means a continuous way designated for use of bicycles and other vehicles propelled by human power.

(c) "Bicycle trail" means a bikeway separated from the through lanes for motor vehicles by space or barrier.

(d) "Shared roadway" means a roadway which may be shared by motor vehicles and bicycles, or a portion of which is reserved for use by bicycles and other nonmotorized vehicles.

(e) "Pedestrian walkway" or "walkway" means a continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

(f) "Highway construction project" means a project financed in whole or in part with Federal-aid or Federal funds for the construction, reconstruction or improvement of a highway or a portion thereof, including bridges and tunnels.

(g) "Independent bikeway or walkway construction project" means a highway construction project to provide bicycle or pedestrian facilities, in contrast with a project whose primary purpose is to serve motorized vehicles.

(h) "Snowmobile" means a motorized vehicle solely designed to operate on ice.

§ 652.3 Policy.

The provision of bicycle and pedestrian facilities on Federal-aid highway projects is encouraged. The construction of bicycle facilities and walkways may be approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as independent bikeway or walkway construction projects where all of the following conditions are satisfied:

(a) The facility will not impair the safety of the motorist, bicyclist or pedestrian.

(b) The facility will be accessible to users or will form a segment located and designed pursuant to an overall plan.

(c) A public agency has formally agreed to:

(1) Operate and maintain the facility.

(2) Ban all motorized vehicles other than maintenance vehicles and, when snow conditions and State or local regulations permit, snowmobiles.

(d) It is reasonably expected that the facility will have sufficient use in relation to cost to justify its construction and maintenance.

§ 652.4 Federal participation.

(a) Bicycle and pedestrian facilities may be constructed as incidental features of highway construction projects where the bikeway or walkway is to be constructed concurrently with the improvement for motor vehicular traffic and the bikeway or walkway will be within the normal right-of-way of the highway, including land acquired under 23 U.S.C. 135 and 319 (Traffic Improvements and Scenic Enhancement Programs). Projects constructed as incidental features or larger highway construction projects may be financed with the same types of Federal-aid funds as the basic highway project, including Interstate projects, and are not subject to the funding limitations for independent bikeway or walkway projects.

(b) Independent bikeway or walkway construction projects may be financed with all types of Federal-aid funds except Interstate, provided the total amount obligated for all such projects in any one State in any one fiscal year does not exceed $2 million for Federal-aid funds or a lesser amount apportioned by the Federal Highway Administrator to avoid exceeding the annual $40 million cost limitation on these projects for all States in a fiscal year. Independent bikeway or walkway projects may be constructed on completed sections of Federal-aid highways. Projects may include the acquisition of land outside the right-of-way, provided the facility will accommodate traffic which would have normally used a Federal-aid highway route, disregarding any legal prohibitions on the use of the route by cyclists or pedestrians.

(c) The Federal share payable for bicycle or pedestrian facilities on a Federal-aid system shall be as provided in 23 U.S.C. 120 for such systems, except that independent bikeway or walkway construction projects on the Interstate System shall be financed as projects on the primary system or urban extensions thereof.

(d) Federal participation in eligible bicycle and pedestrian facilities may include:

(1) The costs of grading, drainage, paving, barriers, landscaping, and structures necessary to accommodate the number and type of users of the facility.

(2) The costs of supplementary facilities such as shelters, parking facilities, bicycle storage facilities and comfort stations.

(3) The costs of traffic control devices including signs, signals and pavement markings.

(4) The costs of fixed source lighting where its use is appropriate.

(5) The costs of curb-cut ramps on new and existing facilities, including those for the physically handicapped.

(6) The costs of right-of-way (land acquisition and relocation assistance) on independent bikeway construction projects.

(7) The costs of walks, barriers and additional widths and lengths on bridges necessary for bikeways and pedestrian walkways for route continuity.

(8) The costs of bikeway and walkway grade separations where:

(i) Vehicular speeds and crossing volumes constitute a hazard of such magnitude as to justify the cost of the structure and the bikeway or walkway cannot be rerouted to another structure, or;

(ii) The separation is necessary because the highway has complete control of access.

§ 652.5 Planning.

Bikeways should be planned as parts of bicycle transportation systems. Where planning is conducted under 23 U.S.C. 134(a), consideration should be given to including bicycle transportation. Funds provided by 23 U.S.C. 307(c) may be used to plan bikeways. Consultation with organized groups of bicyclists is certain to prove valuable in the planning and design of bikeway projects, and such counsel should be actively sought.

§ 652.6 Programming.

(a) Obligation of 1974 fiscal year funds may commence immediately on a first come, first served basis subject to the funding limitations set forth in § 652.4b.

(b) For FY 1975 and 1976, each State shall submit a program covering all independent bikeway or walkway construction projects not later than May 1, 1974, in the case of FY 1975 funds, and May 1, 1975, in the case of FY 1976 funds, identifying proposed projects and the source or sources of funds from which such projects are to be financed. Its proposed obligations shall not exceed $2 million in Federal-aid funds for each fiscal year. In the event the aggregate sum of all Federal and Federal-aid funds proposed to be obligated by all States and Federal agencies exceeds $40 million for either fiscal year 1975 or 1976, funds for obligation will be allocated to the States by the Federal Highway Administrator in relation to the apportionment received by the applicant States under 23 U.S.C., section 104(b) (1), (2), (3) and (6).

Issued on: March 13, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-6734 Filed 3-20-74;10:08 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Dioxide Emissions in Arizona and New Mexico

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved with specific exceptions, plans for implementation of the national ambient air quality standards submitted by Arizona and New Mexico.

Shortly thereafter, on July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for these States. On March 23, 1973 (38 FR 7554), the Administrator set forth regulations requiring at least 70 percent control of sulfur dioxide emissions from the Navajo power plant located in the Arizona portion of the Four Corners Interstate Region and the Four Corners and San Juan power plants located in the New Mexico portion of the Four Corners Interstate Region. The Administrator had determined that an extension of the attainment date terminating no later than 36 months from the date of promulgation of the regulation was justified and therefore, granted such an extension to March 15, 1976.

Subsequent to the March 23, 1973, promulgation, Arizona Public Service Company (APS), operator of the Four Corners power plant, and Salt River Project Agriculture Improvement and Power District (SRP), operator of the Navajo power plant, filed petitions for review of EPA's regulation, pursuant to section 307 of the Act, with the Courts of Appeal for both the Ninth and Tenth Circuit. At the same time, representatives of both companies requested that they be given an opportunity to present newly developed data bearing on the March 23 regulations. Therefore, a meeting was convened in San Francisco on August 20, 1973, to receive this new information. In attendance at the meeting were representatives from APS and SRP, several other companies who were litigants in the proceedings before the Ninth and Tenth circuits, representatives of several environmental groups who were also involved in the circuit court cases, representatives from the National Oceanographic and Atmospheric Administration (NOAA), and EPA representatives. The information presented at the meeting by the power companies dealt with the following three main topics:

1. The validity of the assumptions employed in the diffusion model used to calculate the degree of control of sulfur dioxide emissions necessary to attain and maintain the national standards.

2. The final date by which each of the affected power plants must be in total compliance with the promulgated regulation.

3. The format of the equation in the promulgated regulation used to calculate the allowable sulfur oxides emissions.

As a result of EPA's re-evaluation of its March 23, 1973, regulations, the Courts of Appeal have agreed to stay further proceedings on the petitions for review pending the outcome of the Agency's actions on the newly developed data.

After careful consideration, the Administrator concluded that the March 23d regulations ought to be amended as a result of the evidence submitted by the power companies with respect to the final date and the format of the emission limiting equation. Therefore, the Administrator proposed modifications to the March 23 regulations on December 18, 1973 (38 FR 34743), and at the same time proposed approval of the compliance schedules which the power companies had submitted. The principal changes promised on December 18 were: (1) An extension of the final compliance date from March 15, 1976, to July 31, 1977, and (2) Provisions to allow compliance with the 70 percent control requirement on a total plant basis rather than a unit-by-unit basis. The preamble to the December 18 proposal discusses in detail the basis for these changes and elaborates on several other minor changes to the original March 23 regulations.

The preamble to the December 18 proposal also indicates that the data submitted by the companies on the question of 70 percent control was not sufficient to warrant a revision of the position taken by the Agency on this issue in its March 23rd promulgation. Accordingly, the matter of 70 percent control was left unchanged by the December 18th proposal with the explicit understanding that the Agency would review new data on this question as it was received. The power companies have recently submitted results of a plume tracking and monitoring study at the Four Corners plant and a fluorescent-particle tracer study at the Navajo plant in support of their contention that 70 percent control is not necessary to attain the national standards for sulfur dioxide. However, the Administrator has not completed the review of the results of these tests and therefore, no action regarding the degree of control is being taken at this time. As indicated in the preamble to the December 18th regulations, the Administrator will revise the 70 percent control requirement if warranted by the recently submitted information.

The Agency's March 23, 1973, regulations also apply to the San Juan power plant, owned by the Public Service Company of New Mexico (PSCNM). Although they have not filed a petition for review and were not involved in the presentation of additional data to the Agency, PSCNM has submitted a compliance schedule which embodies several of the suggestions made by APS and SRP. Specifically, the compliance schedule does not show compliance until July 31, 1977, largely as a result of provisions for a front-end module testing program. Therefore the December 18 proposal was also applicable to the San Juan plant.

Public hearings on the regulation changes and compliance schedule approvals proposed on December 18 were held on February 5 and 6, 1974, in Phoenix, Arizona and Santa Fe, New Mexico, respectively. Much of the testimony focused on the individual compliance schedules submitted by the power companies; therefore, only minor modifications were made to the December 18 proposals as a result of these hearings. The changes to the December 18 proposal are discussed below:

1. The March 23 regulations included a provision which permitted the power companies to discontinue use of sulfur oxides control equipment when very low sulfur fuel, such as natural or synthetic gas, was being used. The March 23 wording indicated that when emissions were less than a specified lower limit, the 70 percent control requirement did not apply. This provision has been clarified so that the lower limit must be attained by use of low sulfur fuel alone in order to exempt the source from the 70 percent control requirement. Rather than requiring a stack test, the sulfur content of the fuel may be used to determine if the lower limit is met.

2. The December 18 proposal required the power companies to specify by October 1975 the degree of control to be obtained on a unit-by-unit basis such that the overall control on a total plant basis would be 70 percent. The regulations promulgated below specify a 70 percent efficiency for each unit until the power companies submit an alternate proposal. If approved by the Administrator, the regulation will be modified to include the unit efficiencies submitted by the power companies.

The compliance schedules proposed on December 18 have all been modified by the power companies and most of the changes were discussed at the February 5 and 6 public hearings. The compliance schedule for the Navajo plant was revised as a result of a fire which damaged one of the scrubber test modules. This revised schedule, dated February 4, 1974, has been determined to meet the requirements of 40 CFR 51.15 and is approved below. It should be noted that the dates for completion of all interim progress steps in this compliance schedule are enforceable by the Administrator.

The revised compliance schedules submitted for the Four Corners and San Juan plants have not been completely reviewed and thus no action is being taken on these schedules at this time. A separate FEDERAL REGISTER notice involving these schedules will be published shortly.

The regulations promulgated herein are effective on March 21, 1974. The Administrator finds good cause for making the regulations immediately effective, since they impose no immediate requirements, and persons wishing to seek judicial review of these actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart D—Arizona

Section 52.122 is amended by adding paragraph (e) as follows:

§ 52.122 Extensions.

* * * * *

(e) The Administrator hereby extends to July 31, 1977, the attainment date for the national primary standards for sulfur oxides in the Arizona portion of the Four Corners Interstate Region.

In § 52.125, paragraph (c) is revised to read as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacemet regulation for Regulation 7–1–4(c) (Fossil fuel-fired steam generators in the Four Corners Interstate Region.)* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Arizona portion of the Four Corners Interstate Region (§ 81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge of cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=12{,}245\ S \text{ or } e=1{,}540\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of this paragraph:

(i) E shall not exceed 21,270 lb./hr. (2,680 gm./sec.).

(ii) If the sum of sulfur oxides emissions from Units 1, 2, and 3 would be less than 3,780 lb./hr. (475 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (2), (4)(i) and (5) of this paragraph shall not apply for the period of time that the emissions remain below this level.

(iii) The applicability of subdivision (ii) of this subparagraph may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4)(i) No owner or operator of the fossil fuel-fired steam generating equipment subject to this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed by the following equations, except as provided in subparagraph (3)(ii) of this paragraph.

$$E_1=0.333\ E \text{ or } e_1=0.333\ e$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units as determined pursuant to subparagraph (2) of this paragraph.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units as determined pursuant to subparagraph (2) of this paragraph.
E_1=Allowable sulfur oxides emissions (lb./hr.) from each affected unit.
e_1=Allowable sulfur oxides emissions (gm./sec.) from each affected unit.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable may submit a request to redesignate the allowable emissions specified in subdivision (i) of this subparagraph. Such a request shall be sumitted no later than December 2, 1974, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in subparagraphs (2) and (3)(i) of this paragraph. Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redesignate the allowable emissions specified in subdivision (i) of this subparagraph.

(5) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions, determined according to subparagraph (2) or (3) of this paragraph, except as provided in subparagraph (3)(ii) of this paragraph.

(6) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(7) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46(c)(2) and (c)(4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45(c) and (d) of this chapter.

§ 52.131 [Amended]

In § 52.131, the attainment date table is amended by replacing the date "March 15, 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

§ 52.134 [Amended]

1. In § 52.134, paragraph (a)(2) is amended by replacing the date "March 15, 1976" for compliance with § 52.125(c) with the date "July 31, 1977."

2. Section 52.134 is amended by adding a new paragraph (b) as follows:

* * * * *

(b) Compliance schedules for the sources identified below are approved as meeting the requirements of paragraph (a) of this section. All regulations cited are air pollution control regulations of the State, unless otherwise noted. Approval of a compliance schedule includes approval of all dates for achievement of increments of progress and final compliance as specified therein, and failure to achieve an increment of progress or final compliance by the specified date will be considered a violation of the compliance schedule.

Source	Location	Regulation involved	Effective date	Final compliance date
Salt River Project Agriculture Improvement and Power District.	Coconino County...	40 CFR 81.125(c)[1]...	Immediately[2].	July 31, 1977

[1] Federally promulgated regulation.
[2] Compliance schedule dated February 4, 1974 and transmitted to EPA on February 5, 1974.

Subpart GG—New Mexico

In § 52.1624, paragraph (c) is revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulation for Regulation 602.B (Fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) No owner or operator of the fossil fuel-fired steam generating equipment designated as Units 1, 2, 3, 4, and 5 at the Four Corners power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=13{,}850\ S \text{ or } e=1{,}745\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(2) No owner or operator of the fossil fuel-fired steam generating equipment designated as Unit 2 at the San Juan power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=1{,}930\ S \text{ or } e=240\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.)
e=Allowable sulfur oxides emissions (gm./sec.)
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of subparagraph (1) of this paragraph: (i) E shall not exceed 19,680 lbs./hr. (2,480 gm./sec.). (ii) If the sum of sulfur oxides emissions from Units 1, 2, 3, 4, and 5 would be less than 3,500 lbs./hr. (440 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (1), (5)(i) and (6) of this paragraph shall not apply for the period of time that the emissions remain below this level. (iii) The applicability of subdivision (ii) of this subparagraph may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4) For the purposes of subparagraph (2) of this paragraph: (i) E shall not exceed 3,040 lbs./hr. (385 gm./sec.). (ii) If the sulfur oxides emissions from Unit 2

would be less than 540 lbs./hr. (68 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (2) and (6) of this paragraph shall not apply for the period of time that the emissions remain below this level. (iii) The applicability of subdivision (ii) of this subparagraph may be determined through the use of the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in the affected unit.

(5) (i) No owner or operator of the fossil fuel-fired steam generating equipment subject to subparagraphs (1) and (3) of this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed for that unit by the following equations, except as provided in subparagraph (3) (ii) of this paragraph.

For Unit 1; $E_1 = 0.084E$ or $e_1 = 0.084\ e$
For Unit 2; $E_2 = 0.084E$ or $e_2 = 0.084\ e$
For Unit 3; $E_3 = 0.108E$ or $e_3 = 0.108\ e$
For Unit 4; $E_4 = 0.362E$ or $e_4 = 0.362\ e$
For Unit 5; $E_5 = 0.362E$ or $e_5 = 0.362\ e$
Where:

E = Allowable sulfur oxides emissions (lb./hr.) from all affected units as determined pursuant to subparagraph (1) of this paragraph.

e = Allowable sulfur oxides emissions (gm./sec.) from all affected units as determined pursuant to subparagraph (1) of this paragraph.

E_{1-5} = Allowable sulfur oxides emissions (lb./hr.) from the affected unit. hr.) from

e_{1-5} = Allowable sulfur oxides emissions (gm./sec.) from the affected units.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment subject to subparagraphs (1) and (3) of this paragraph may submit a request to redesignate the allowable emission specified in subdivision (i) of this subparagraph. Such a request shall be submitted no later than October 1, 1975, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in subparagraphs (1) and (3) (i) of this paragraph. Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redesignate the allowable emissions specified in subdivision (i) of this subparagraph.

(6) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions determined according to subparagraph (1), (2), (3), or (4) of this paragraph, except as provided in subparagraphs (3) (ii) and (4) (ii) of this paragraph.

(7) Compliance with this paragraph shall be in accordance with the provisions of § 52.1626(c).

(8) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46(c) (2) and (c) (4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45 (c)and (d) of this chapter.

§ 52.1626 [Amended]

In § 52.1626, paragraph (c) (3) is amended by replacing the date "March 15, 1976" for compliance with § 52.1624(c) of this chapter with the date "July 31, 1977."

§ 52.1630 [Amended]

In § 52.1630, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

In § 52.1631, paragraph (a) is revised to read as follows:

§ 52.1631 Extensions.

(a) The Administrator hereby extends to July 31, 1977, the attainment date for the primary standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

[FR Doc.74-6568 Filed 3-20-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-89]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions Under the International Voyage Load Line Act of 1973

The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by the International Voyage Load Line Act of 1973 (October 1, 1973, Pub. L. 93-115, 87 Stat. 418).

Since this amendment relates to Departmental management, procedures, and practices, notice and public comment thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (o) of § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding a new subparagraph (6), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(o) * * *

(6) International Voyage Load Line Act of 1973 (Pub. L. 93-115).

Effective date: This amendment is effective March 21, 1974.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on March 19, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-6730 Filed 3-20-74;9:18 am]

[OST Docket No. 1; Amdt. 1-90]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions with Respect to the International Bridge Act of 1972

The purpose of this amendment is to delegate to the Commandant of the Coast Guard, the Federal Highway Administrator, the Federal Railroad Administrator, the Administrator of the St. Lawrence Seaway Development Corporation, and the Assistant Secretary for Environment, Safety, and Consumer Affairs functions vested in the Secretary by the International Bridge Act of 1972 (Pub. L. 92-434, 86 Stat. 731).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulation, is amended, effective March 21, 1974, as follows:

1. Section 1.46 is amended by adding a new paragraph (r) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(r) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to navigable waterways other than the St. Lawrence River.

2. Section 1.48 is amended by adding a new paragraph (q) to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(q) Carry out the functions vested in the Secretary by section 5 (as it relates to bridges, other than railroad bridges, not over navigable waterways), and sections 6 and 8(a) (as they relate to all bridges other than railroad bridges) of the International Bridge Act of 1972 (Pub. L. 92-434).

3. Section 1.49 is amended by adding a new paragraph (r) to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(r) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to railroad bridges not over navigable waterways.

4. Section 1.50a is revised to read as follows:

§ 1.50a Delegations to Administrator of the St. Lawrence Seaway Development Corporation.

The Administrator of the St. Lawrence Seaway Development Corporation is delegated authority to—

(a) Carry out the functions vested in the Secretary by sections 101, 102, 104, 106, and 107 of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340) as they relate to the operation of the St. Lawrence Seaway.

(b) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to the St. Lawrence River.

5. Section 1.58 is amended by amending the catchline and adding a new paragraph (g) to read as follows:

§ 1.58 Delegations to Assistant Secretary for Environment, Safety, and Consumer Affairs.

* * * * *

(g) Carry out the functions vested in the Secretary by section 5 of the Inter-

national Bridge Act of 1972 (Pub. L. 92–434) as it relates to pipelines not over navigable waterways.

Effective date. This amendment is effective March 21, 1974.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Issued in Washington, D.C., on March 19, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-6729 Filed 3-20-74;9:17 am]

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

[Docket 70-20; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice responds to petitions for reconsideration of the amendment of Motor Vehicle Safety Standard No. 301 (9–1–73), and amends certain portions of the standard effective September 1, 1975.

Federal Motor Vehicle Safety Standard No. 301 (9–1–75), 49 CFR 571.301, effective September 1, 1975, was published on August 20, 1973 (38 FR 22397). Thereafter, pursuant to 49 CFR 553.35 petitions for reconsideration of the rule were received from twelve petitioners. The following discussion considers the issues raised by the commenters and the disposition accorded each by the NHTSA.

Application. The Recreational Vehicle Institute (RVI) challenged the application of the standard to motor homes and other recreational vehicles, alleging a relatively minimal risk of fire due to lack of fuel system integrity, and a great expense in conducting the specified tests. The NHTSA does not share RVI's position on these issues in view of the purpose of the standard. The NHTSA intends that Standard No. 301 achieve a degree of fuel system integrity sufficient to protect the occupants of a motor vehicle from injury resulting from fuel-induced fires. Although the testing necessary to accomplish this end may entail additional costs for the recreational vehicle manufacturer, the expense is considered justified in order to ensure the safety of passengers customarily carried in a recreational vehicle. Despite RVI's assertion that the frequency of fuel system fires is not as high in recreational vehicles as in passenger cars, a recreational vehicle is still susceptible to the fuel spillage occasioned by collision and thus is properly under the coverage of the standard.

Effective date. Jeep, American Motors, Nissan, and RVI objected to the standard's September 1, 1975, effective date, asserting a need for more time to design a fuel system, develop the necessary test equipment, and assure the availability of adequate test facilities. RVI requested that the effective date for recreational vehicles be delayed until 1977 to allow more time for gaining experience with complete and incomplete vehicles used in motor home manufacturing. These requests have all been denied.

The NHTSA has determined that the time period provided for developing conforming vehicles and satisfactory testing equipment is reasonable and sufficient. The need for vehicles equipped with complying fuel systems is great, and in the interest of safety, delays for the reasons asserted have not been found to be justified.

Fuel spillage. Six petitioners commented that the form of measurement of fuel spillage was ambiguous, and requested a clarification. The NHTSA is in accord with the petitioners' requests and is amending the standard to specify that any fuel spilled be measured by weight as opposed to volume.

Comments were received from a number of petitioners requesting that the requirements for fuel spillage be interpreted to indicate that the fuel loss is to be averaged over the designated period of time in order to determine compliance with the 1-ounce-per-minute specification. The supporting arguments for these requests tended to focus on the impracticality of requiring that the rate of allowable fuel spillage be less than 1 ounce per minute when measured on a minute-to-minute basis, due to the possibility that fluid might escape from the vehicle at various locations which were not anticipated and prevent an accurate rate of discharge measurement.

The NHTSA has granted the petitions in part. Practical limits of the testing procedure are considered to preclude a precise measurement of leakage rate for the first 5 minutes following a fixed barrier or rollover test. Therefore, for the first 5 minutes following the frontal impact test and the first 5 minutes of testing at each 90° increment during the rollover test, a total leakage of not more than 5 ounces of fuel by weight will constitute compliance with the standard. Five minutes is found to be sufficient time for leaks to be discovered and for an accurate rate of flow measurement to be initiated. For the specified observation time subsequent to the first 5 minutes of designated crash and rollover testing, the maximum spillage requirement remains 1 ounce in any single minute.

Japan Automobile Manufacturers Association (JAMA) asked whether the standard would allow them to drain off the engine coolant and lubricating oil prior to the rollover test, since some leakage of these fluids would most probably have occurred as a result of the barrier impact. Nissan also pointed out the difficulty possibly caused by the mixing of various discharged fluids during the static rollover test. The NHTSA finds no justification for a change in this requirement. One of the test conditions designated in this standard is that the vehicle be equipped with maximum capacity of all fluids (other than fuel, for which a fill range is specified) necessary for operation. If the various fluids become mixed they may be separated by means of a laboratory procedure which allows accurate measurement of the amount of fuel spilled. A manufacturer need not, however, utilize a standard's specified testing procedure during his own vehicle testing as long as he uses some reliable means of assuring that his vehicle meets the performance requirements of the standard. The NHTSA does not certify as acceptable various procedures suggested by manufacturers. The standard does, however, indicate the manner in which this agency will test a vehicle, and it is the vehicle's performance under these conditions which will determine its satisfactory compliance with the standard.

Chrysler objected to the stringent fuel spillage requirement applicable during the rollover test. It asked that the fuel which generally escapes from the carburetor bowl during a rollover not be included in the amount of fuel discharged from the vehicle. Its request was based partly on the alleged difficulty of developing a means capable of containing the carburetor fuel during a rollover, and partly on the assertion that the rapid motion of a vehicle involved in an actual rollover crash would so widely disperse the small amounts of carburetor fuel as to negate the possibility of combustion.

The NHTSA finds Chrysler's petition unacceptable, having determined that the escape of carburetor fuel can constitute a safety hazard. The thrust of the standard is to ensure that manufacturers develop systems which will prevent this leakage. Accordingly, the amount of fuel released by the carburetor during testing must be included with the fuel escaping from any other part of the system in determining whether a vehicle conforms to the standard.

In an addendum to their petition for reconsideration, Mercedes-Benz requested that diesel-powered vehicles be excluded from the standard, because diesel fuel's flash point is higher than that of gasoline. While diesel fuel is somewhat safer than gasoline, it is not impossible to ignite it by means of hot sparks, especially battery sparks thrown off during a crash. The fact that diesel fuel may not ignite quite as readily does not remove the potential for fuel-related fires which the standard seeks to reduce. The Mercedes request is therefore denied.

Test requirements. Nissan requested that it be allowed to conduct the barrier crash test and the rollover test with two different vehicles, because it felt that accidents involving a frontal crash and rollover in sequence were so infrequent as to render the present testing unrealistic and impracticable.

The NHTSA finds this argument without merit. Allowing the use of different vehicles for the frontal impact and rollover tests would undermine the intent of the standard. The purpose of the rule is to ensure that the fuel systems of motor vehicles are capable of withstanding the impacts prescribed without creating a hazardous situation for the occupants, and sequential impact testing with a single vehicle is, in NHTSA's opinion, necessary to demonstrate fuel system integrity.

Ford Motor Company assailed the appropriateness of the amended standard on the basis of a cost-benefit analysis which it had prepared on the rollover test and fuel spillage requirements. Ford asserted that compliance with the rollover requirement alone would create a "Retail Price Equivalent" (the sticker price with no provision for Ford profit) of $11.20 per passenger car and $12.15 per light truck, and would constitute a benefit/cost ratio of ⅓. It also contended that the NHTSA estimate of 2000 to 3500 annual deaths attributable to crash-caused fires was incorrect and that a National Safety Council estimate of 600 to 700 annual fire deaths was more realistic.

The NHTSA does not accept Ford's argument. Ford postulated a cost/benefit analysis based upon the purported effect of only one aspect of the standard. This agency is in disagreement not only with Ford's narrow analysis, but with the figures it relied upon in reaching their conclusions. In determining the cost/benefit ratio of the standard, the NHTSA took into account the impact of the standard as a whole and considered the cost of model changes and new tooling as well as the number of lives currently lost due to fuel system fires and the number of lives expected to be saved through implementation of the standard. Although the NHTSA uses cost-benefit analysis as a decision-making tool, it is not a perfect one, depending necessarily on extremely imprecise assumptions concerning benefits to be achieved. Granting that reasonable persons may differ on their cost-benefit projections, this agency does not consider that to be a conclusive argument against a safety requirement. On the basis of its own analysis the NHTSA is convinced that the measures provided in the standard are appropriate, reasonable, and necessary.

Vehicle loading. Most petitioners objected to the standard's vehicle weight and weight distribution test conditions, claiming that they are unrealistic and preclude the combining of tests for compliance with more than one standard. The most frequent suggestion was that the weight and distribution conditions contained in Standard No. 208 and in the proposed amendment to Standard No. 301 (Docket No. 73–20; Notice 1), published August 20, 1973 (38 FR 22417), be adopted. The majority of commenters to the Docket No. 73–20, Notice 1 proposal were likewise supportive of adoption of the loading requirements as proposed. The conditions favored specify, in the case of a passenger car, unloaded vehicle weight plus rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of a 50th percentile test dummy as specified in 49 CFR Part 572 at each front outboard seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant. In the case of a multipurpose passenger vehicle, truck, or bus the condition would be unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the same dummies as designated for passenger car testing.

The loading conditions are being amended substantially as proposed. The advantages of adoption of the proposed loading conditions over the curb weight conditions suggested by several petitioners and commenters are twofold. First, the loading conditions here adopted may allow simultaneous testing for compliance under more than one standard. Second, the proposed provisions would present loading conditions that, although somewhat more stringent, are frequently encountered as vehicles are used.

Several petitioners and commenters objected to the requirement that the load be "secured" during testing. The NHTSA recognizes that a fixing of the load so as to prevent a significant absorption of energy during crash testing is not as representative of real-life conditions as a sliding load. However, such fixing has been found necessary in order to assure objectivity and repeatability in testing, since test results with a sliding load will vary from test to test.

It was suggested by two commenters that the manufacturer be given an option as to the manner in which he tests his vehicles if he chooses to conduct separate compliance tests for individual standards. The safety standards issued by this agency are not directives to the manufacturer, and in that sense he always has "options" as to how he tests. The standards are simply performance levels the vehicle must meet when tested by this agency. The establishment of similar loading conditions for different standards is intended primarily to reduce the cost of testing, and a manufacturer is free not to combine his tests as he wishes. Further, a manufacturer may do such things as substitute his own devices for those specified in a standard gauged for combined testing if he can reliably determine that the test results provide an accurate assessment of the vehicle's performance capabilities when tested according to the standard.

The inapplicability of the occupant crash protection requirements of Standard No. 208 to multipurpose passenger vehicles and trucks prior to 1977 was noted by some commenters who requested that these vehicles also remain exempt from application of the proposed loading requirements for Standard No. 301 until 1977. The NHTSA cannot grant this request. The proposed loading conditions of Standard No. 301 have been stipulated with a view toward ensuring under a wide range of conditions the fuel system integrity of a vehicle during a crash. Standard 301 meets an important safety need apart from Standard 208, and this agency intends to proceed with it on its own merits.

Many petitioners requested that the fuel loading requirement be revised to specify that the fuel tank be filled during testing to 90 percent of capacity, arguing that the present requirement represents a condition which is unrealistic and difficult to comply with during testing. The NHTSA is aware of the problems of thermal expansion and its ability to cause artificial failures during testing for compliance with Standard No. 301. If the fuel system is filled to 100 percent capacity before the test and then is subjected to thermal expansion, there could be leakage in the fuel system unrelated to its crashworthiness, indistinguishable from fuel leakage caused by the various specified crash tests. Therefore, the standard is amended to specify that the fuel tank is to be filled to any level from 90 to 95 percent capacity. The NHTSA finds that this requirement does not significantly reduce the stringency of the standard and realistically maintains its intended effect.

Engine temperature. General Motors (GM) and the Motor Vehicle Manufacturers Association (MVMA) suggested in their petitions that specifications be included in the standard which would designate permissible testing temperatures for the test fuel and the vehicle components. They asserted that changes in fluid volume could occur in the fuel system which would affect the fuel system pressure if the test fuel or vehicle components were not at ambient temperature. GM further proposed that the temperature during the testing procedure be between 60° and 80° F and not be allowed to vary more than 5° F throughout the testing sequence.

The NHTSA has determined that petitioners' requests should be denied. It is intended that the full spectrum of temperatures encountered on the road be reflected in the test procedure. Thus, even if it were shown that the fuel system integrity might be affected by changes in fluid volume, such result is certainly consistent with the real situations the standard is intended to ameliorate.

Fuel System. American Motors, MVMA, and GM raised questions concerning the type of fuel to be used during testing. The NHTSA has decided that the present requirement allowing optional use of Stoddard solvent or the fuel normally used to operate the vehicle should be changed to specify Stoddard solvent alone. Docket No. 73–20, Notice 1 proposed a change in the fuel designation by specifying the fuel recommended by the manufacturer during compliance testing. Many commenters objected to the proposed use of operating fuel due to the danger of fire damaging their test equipment. Although testing with actual fuel and an idling engine is theoretically the most realistic means of ascertaining compliance, the protective measures necessary to prevent damage to expensive equipment in the vehicle during testing would probably eliminate the advantage in realism as well as adding to testing costs. Stoddard solvent is considered to be much safer

in that its tendency to ignite is much less than that of gasoline. The properties of Stoddard solvent with respect to viscosity and permeation make it a viable substitute for actual fuel during testing.

Further confusion was manifested by several petitioners concerning the types of fuel systems subject to the standard's regulation. Due to the evaporative qualities of propane and gaseous fuel and the problems inherent in measuring the spillage of these fuels by the means specified in the standard, the NHTSA has determined that the standard should be amended to except from coverage vehicles which use fuel with a boiling point below 32° F. Regulation of vehicles using propane or gaseous fuel has not, however, been totally rejected. Comments are requested concerning the practicability and feasibility of imposing this standard's fuel system requirements on such vehicles. The infrequent use at present of propane or gaseous fuel by vehicles with a GVWR below 10,000 pounds is an important factor in the NHTSA's decision to except these fuels from the standard's application. Therefore, information regarding anticipated production of vehicles under the standard's coverage whose systems are designed for gaseous fuels should be provided.

Static rollover test conditions. MVMA, American Motors, and GM requested a clarification of the static rollover test procedure. The NHTSA has amended the standard to specifically require that the vehicle be rotated to three successive 90° increments in addition to the position in which it came to rest immediately following impact.

JAMA asked that the designed rate of rotation for the static rollover test be revised to permit any rotation rate which does not exceed 3 minutes. The basis of the request was the fact that the presently prescribed rate of rotation (not less than 1 minute and not more than 3 minutes) would necessitate an alteration of the gears of the Japanese manufacturers' vehicle rolling equipment since the equipment currently operates at a rate of 60 seconds for a 90° rotation.

JAMA's request reflects a misunderstanding which should be cleared up. By changing the rate of rotation to conform to JAMA's request, the NHTSA would be increasing the burden of compliance rather than lessening it. The intent of the standard is to require the vehicle to comply when rotated at any speed between the specified limits, and the manufacturer should ensure compliance across the range. The static rollover test condition is therefore amended by specify that the rotation to each 90° increment will occur in any interval from 1 to 3 minutes. The insertion of the word "any", as explained at 49 CFR 571.4, signifies that the NHTSA may test at any point within that 1 to 3 minute range and the vehicle must conform.

In response to a request for clarification by several petitioners, S7.7 is amended to specify that the vehicle is rotated about its longitudinal axis, with the axis kept horizontal.

In consideration of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975.

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

Issued on March 18, 1974.

JAMES B. GREGORY,
Administrator.

§ 571.301 Standard No. 301; fuel system integrity.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured on or after September 1, 1975, shall meet all the requirements of this standard.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1976, shall meet all the requirements of this standard.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR more than 6,000 pounds and not more than 10,000 pounds manufactured on or after September 1, 1976, shall meet the requirements of S6.1.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 10-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6 *Test requirements.* Each vehicle shall meet the requirements in sequence without alteration of the vehicle or its contents.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the applicable conditions of S7, with a 50th percentile test dummy as specified in Part 572 of this chapter at each front outboard seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, fuel spillage shall not exceed the limits specified in S5.4.

S6.2 *Rollover.* When the vehicle is rotated on its longitudinal axis at each successive increment of 90°, fuel spillage shall not exceed the limits specified in S5.5.

S7. *Conditions.*

S7.1. *General test conditions.* The following conditions apply to all tests.

S7.1.1 Except as specified in S7.1.3, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S7.1.2 Except as specified in S7.1.3, a multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proporation to its gross axle weight ratings, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S7.1.3 The fuel tank is filled to any level from 90 to 95 percent of capacity. and the remainder of the fuel system is filled to its normal operating levels, with Stoddard solvent, having the physical and chemical properties of Type 1 solvent, Table 1 ASTM Standard D484-71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.4 *Parking Brake and transmission.* The parking brake is disengaged and the transmission is in neutral.

S7.1.5 *Tires.* Tires are inflated to manufacturer's specifications.

S7.2 *Static rollover test condition.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc. 74-6650 Filed 3-19-74;12:31 pm]

[Docket No. 73-20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

The purpose of this notice is to amend Federal Motor Vehicle Safety Standard

No. 301, *Fuel System Integrity*, to upgrade substantially the requirements of the standard by specifying a rear moving barrier crash, a lateral moving barrier crash, and a frontal barrier crash including impacts at any angle up to 30° in either direction from the perpendicular.

A notice of proposed rulemaking published August 20, 1973 (38 FR 22417) proposed the imposition of additional testing requirements designed to ameliorate the dangers associated with fuel spillage following motor vehicle accidents. In an amendment to Standard No. 301, published on the same day as the proposal, a frontal barrier crash and a static rollover test were specified. In order to ensure the safety of fuel systems in any possible collision situation, the NHTSA finds it essential to incorporate additional proposed test requirements into the present standard and to make these requirements applicable to all vehicle types with a GVWR of 10,000 pounds or less.

Comments in response to the proposal were received from 29 commenters. Any suggestions for changes of the proposal not specifically mentioned herein are denied, on the the basis of all the information presently available to this agency. A number of the issues raised in the comments have been dealt with by the agency in its response to the petitions for reconsideration of the final rule issued on August 20, 1973. In its notice responding to the petitions, the NHTSA considered objections to the use of actual fuel during testing, the specified fuel fill level, the application of the standard to vehicles using diesel fuel, the fuel spillage measuring requirement, and the allegedly more stringent loading requirements applicable to passenger cars. The type of fuel subject to the standard was also clarified.

Objections were registered by 13 commenters to the proposed inclusion of a dynamic rollover test in the fuel system integrity standard. As proposed, the requirement calls for a measurement of the fuel loss while the vehicle is in motion. Commenters pointed out the exceptional difficulty in measuring or even ascertaining a leakage when the vehicle is rolling over at 30 mph. The NHTSA has decided that the objections have merit, and has deleted the dynamic rollover test. The results of the dynamic rollover do not provide sufficiently unique data with regard to the fuel system's integrity to justify the cost of developing techniques for accurately measuring spillage during such a test, and of conducting the test itself. The NHTSA has concluded that the severity of the other required tests, when conducted in the specified sequence, is sufficient to assure the level of fuel system integrity intended by the agency.

Triumph Motors objected to the use of a 4,000-pound barrier during the moving barrier impacts, asserting that such large barriers discriminate against small vehicles. Triumph requested that the weight of the barrier be the curb weight of the vehicle being tested in order to alleviate the burden on small vehicles. The NHTSA has concluded that no justification exists for this change. The moving barrier is intended to represent another vehicle with which the test vehicle must collide. The use of a 4,000-pound moving barrier is entirely reasonable since vehicles in use are often over 4,000 pounds in weight and a small vehicle is as likely to collide with a vehicle of that size as one smaller. The NHTSA considers it important that vehicle fuel systems be designed in such a way as to withstand impacts from vehicles they are exposed to on the road, regardless of the differences in their sizes.

Jeep and American Motors objected to the effective dates of the proposed requirements and asked that they be extended. Jeep favors an effective date not earlier than September 1, 1979, and American Motors favors a September 1, 1978 effective date. The NHTSA denies these requests. It has found that the time period provided for development of conforming fuel systems is reasonable and should be strictly adhered to considering the urgent need for strong and resilient fuel systems.

Several commenters expressed concern over the impact of the prescribed testing procedures on manufacturers of low-volume specialty vehicles. The NHTSA appreciates the expense of conducting crash tests on low-production vehicles, realizing that the burden on the manufacturer is related to the number of vehicles he manufactures. However, there are means by which the small-volume manufacturer can minimize the costs of testing. He can concentrate test efforts on the vehicle(s) in his line that he finds most difficult to produce in conformity with the standard. These manufacturers should also be aware that an exemption from application of the standard is available where fewer than 10,000 vehicles per year are produced and compliance would subject him to substantial financial hardship.

In responding to the petitions for reconsideration of the amendment to Standard No. 301, published August 20, 1973, the NHTSA revised the fuel system loading requirement to specify Stoddard solvent as the fuel to be used during testing. In accordance with that amendment, the proposed requirement that the engine be idling during the testing sequence is deleted. However, electrically driven fuel pumps that normally run when the electrical system in the vehicle is activated shall be operating during the barrier crash tests.

In order to fulfill the intention expressed in the preamble to the proposal, that simultaneous testing under Standards Nos. 208 and 301 be possible, language has been added to subparagraph S7.1.5 of Standard No. 301 specifying the same method of restraint as that required in Standard No. 208. In its response to petitions for reconsideration of Standard No. 301 (39 FR_____) the NHTSA amended the standard by requiring that each dummy be restrained during testing only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

Suggestions by several commenters that the application of certain crash tests should be limited to passenger cars in order to maintain complete conformance to the requirements of Standard No. 208 are found to be without merit. Enabling simultaneous testing under several standards, although desirable, is not the most important objective of the safety standards. The NHTSA is aware of the burden of testing costs, and therefore has sought to ease that burden where possible by structuring certain of its standards to allow concurrent testing for compliance. It must be emphasized, however, that the testing requirements specified in a standard are geared toward a particular safety need. Application of the tests proposed for Standard No. 301 to all vehicle types with a GVWR of 10,000 pounds or less is vital to the accomplishment of the degree of fuel system integrity necessary to protect the occupants of vehicles involved in accidents.

No major objections were raised concerning the proposed angular frontal barrier crash, lateral barrier crash, or rear moving barrier crash. On the basis of all information available to this agency, it has been determined that these proposed crash tests should be adopted as proposed.

In consideration of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975, with additional requirements effective September 1, 1976 and September 1, 1977 as indicated.

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

Issued on March 18, 1974.

JAMES B. GREGORY,
Administrator.

§ 571.301-75 Standard No. 301; Fuel system integrity.

S.1 *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S.2 *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S.3 *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.4. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to August 31, 1977, shall meet all the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.4. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 10-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test, from the onset of rotational motion, shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6. *Test requirements.*

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S7, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, fuel spillage shall not exceed the limits of S5.4.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with test dummies as specified in Part 572 of this chapter at the outboard designated seating positions adjacent to the impacted side, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.4 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following each impact crash of S6.1, S6.2, and S6.3, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The fuel tank is filled to any level from 90 to 95 percent of capacity with Stoddard solvent, having the physical and chemical properties of type 1 solvent, Table I ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.2 The fuel system other than the fuel tank is filled with Stoddard solvent to its normal operating level.

S7.1.3 If the vehicle has an electrically driven fuel pump that normally runs when the vehicle's electrical system is activated, it is operating at the time of a barrier crash.

S7.1.4 The parking brake is disengaged and the transmission is in neutral, except that in meeting the requirements of S6.2 the parking brake is set.

S7.1.5 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S6.1.6 Tires are inflated to manufacturer's specifications.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR. 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc.74–6651 Filed 3–19–74;12:32 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO NO. 1178]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of March 1974.

It appearing that an acute shortage of covered hopper cars for transporting shipments of fertilizer exists in the State of Florida; that the railroads serving the fertilizer producing areas of that State are unable to furnish additional system cars for the movement of this traffic; that entire areas of the country are unable to receive adequate supplies of this fertilizer because of these shortages of freight cars; that the United States Department of Agriculture has certified that there is an immediate need for increased shipments of fertilizer into these areas in order to maximize the production of feed grains and other agricultural crops; that a substantial portion of this fertilizer will be routed via, or terminate on the lines named herein; that existing regulations and practices with respect to the use, supply, control and distribution of freight cars are insufficient to secure an adequate supply of covered hopper cars for shipments of fertilizer from Florida origins; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure 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:

§ 1033.1178 Service Order No. 1178.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(b) *Assignment of cars to fertilizer traffic.* The carriers named herein shall each withdraw from grain service and forward to the Seaboard Coast Line Railroad Company (SCL) prior to April 1, 1974, one hundred (100) covered hopper

cars listed in the Official Railway Equipment Register RER No. 390, issued by W. J. Trezise, as bearing reporting marks assigned to it, having mechanical designation "LO", and having cubic capacity not greater than 4,000 cubic feet and weight carrying capacity not less than 140,000 pounds.

Burlington Northern System, comprising cars of:

Burlington Northern Inc.
The Colorado and Southern Railway Company
Fort Worth and Denver Railway Company

Chessie System, comprising cars of:

The Baltimore and Ohio Railroad Company
The Chesapeake and Ohio Railroad Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago and North Western Transportation Company
Chicago, Rock Island and Pacific Railroad Company
Illinois Central Gulf Railroad Company
Louisville and Nashville Railroad Company

Missouri Pacific System, comprising cars of:

Chicago & Eastern Illinois Railroad Company
Missouri-Illinois Railroad Company
Missouri Pacific Railroad Company
The Texas and Pacific Railway Company
Norfolk and Western Railway Company
Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees
St. Louis-San Francisco Railway Company

Such cars may be used by the SCL only for transporting shipments of fertilizer originating in Florida and routed via the lines of the car owner.

(c) *Delivery of empty cars.* Empty covered hoppers described in paragraph (a) of this section may be sent by the car owner to the SCL at any junction. Cars owned by railroads which do not have a direct connection with the SCL shall be sent to the SCL via the Louisville and Nashville Railroad Company without charge to either the car owner or the SCL. Cars owned by the Penn Central Transportation Company (PC) which are located east of Pittsburgh, Pennsylvania, may be forwarded to the SCL via the Richmond, Fredericksburg and Potomac Railroad Company without charge to either the PC or the SCL or may be delivered to the SCL direct at Norfolk, Virginia.

(d) *Reports required.* Each car owner named in paragraph (a) of this section, shall report to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 the initial and number of each covered hopper furnished to the SCL for fertilizer service, and the date forwarded to the SCL. The SCL shall report to Director Pfahler the initial, number and date received of each covered hopper received by it under the requirements of this order. No additional reports are required for cars previously reported and returned to the SCL for additional empty movements.

(e) *Retention of cars in service.* Empty covered hoppers sent by the owner to the SCL as required herein shall be returned empty to the SCL via reverse of loaded route for subsequent shipments of fertilizer originating at origins in Florida, until their removal is authorized by this Commission or until this order expires or is vacated. Cars which must be removed from active service because of mechanical defects must be replaced by the car owner in the manner provided in paragraph (c) of this section for delivery of cars to the SCL. The car owner must notify both this Commission and the transportation officer of the SCL the initial and number of the car removed because of mechanical defects and the initial and number of the replacement car, together with the dates of removal and replacement.

(f) *Rules and regulations suspended.* The operation of all tariff provisions and of all other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

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

(h) *Effective date.* This order shall become effective at 11:59 p.m., March 18, 1974.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 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 a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 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.74-6578 Filed 3-20-74;8:45 am]

[REVISED S.O. NO. 1108; Amdt. No. 4]

PART 1033—CAR SERVICE

Reading Co. et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of March 1974.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634; 38 FR 5876, 23792; and 39 FR 1851), and good cause appearing therefor:

It is ordered, That:

§ 1033.1108 Service Order No. 1108. (Reading Company, Richardson Dilworth and Andrew L. Lewis, Jr., Trustees, Authorized to Operate over tracks of Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees).

Revised Service Order No. 1108 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. March 15, 1974.

(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 a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 amendment 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.74-6577 Filed 3-20-74;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 33—SPORT FISHING

Piedmont National Wildlife Refuge

The following special regulation is issued and is effective on March 22, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Georgia, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 60 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

Open Season. March 22, 1974, through September 22, 1974—Allison Lake, the Falling Creek Bridge Area on Round Oak-Juliette Road, and the Little Falling Creek Area at County-Line Bridge.

June 1–September 22, 1974—Lake 2A.

Hours. Daylight hours only (camping prohibited).

Species, Limits, & Equipment. Same as State regulations with the following exceptions:

Boats and boats with electric motors permitted only in Allison Lake and Lake 2A, and boats may not be left in fishing areas overnight. Fishing areas open for bank fishing within posted areas only.

Permits. No special refuge permit is required, but a State license is required and it must be carried on the person and exhibited to Federal or State officers upon request.

General. Weapons and dogs are prohibited. Littering and alcoholic beverages are prohibited. All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes. The destruction, disturbance, or removal of nesting facilities, plants, animals, or any public property is prohibited.

Vehicles. Use only roads and trails that are designated as being open for public travel. Maximum speed on gravel roads open for travel is 15 MPH. No parking on dams. Park vehicles off roads and trails in designated parking areas, so that they don't impede traffic or cause a safety hazard.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 22, 1974.

PHILIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 12, 1974.

[FR Doc.74-6506 Filed 3-20-74;8:45 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 240—REGULATED COMMERCIAL FISHERIES

Catch Quota

On January 25, 1974, final regulations were published in the FEDERAL REGISTER (39 FR 3272), implementing conservation measures adopted by the International Commission for the Northwest Atlantic Fisheries (ICNAF), which, among others, included a prohibition on possessing haddock caught in Subarea 4 or 5 in amounts exceeding 5,000 pounds or 10 percent by weight of all fish on board, whichever is greater, and a restriction on using fishing gear capable of catching demersal species in Division 4X of Subarea 4, during March through May 1974.

On February 14, 1974, these final regulations were changed by an amendment published in the FEDERAL REGISTER (39 FR 5635), which deleted reference to Subarea 4, because of a reservation made by the Canadian Government concerning the prohibitions in Subarea 4, regarding haddock fishing.

The Department of State has advised that the Canadian Government's reservation was withdrawn as of 0001 hours local time, in the regulation area, March 19, 1974, therefore, it is our intent to amend § 240.11(a) and 240.13 as follows:

1. Section 240.11(a) is amended by adding a reference to Subarea 4 as follows:

§ 240.11 Catch quota.

(a) It shall be unlawful for any person or fishing vessel under the jurisdiction of the United States to possess on board haddock caught in Subareas 4 or 5, in amounts exceeding 5,000 pounds or 10 percent by weight of all fish on board caught in Subareas 4 or 5, whichever is greater.

* * * * *

2. Paragraph (c) of § 240.13 is amended by adding a subparagraph (1) as follows:

§ 240.13 Closed seasons and areas.

* * * * *

(c) * * *

(1) It shall be unlawful for any person under the jurisdiction of the United States permitted to fish in the area described in paragraph (c) to attach any protective device to pelagic fishing gear or employ any means that would, in effect, make it possible to fish for demersal species.

This amendment is in accord with the International Convention for the Northwest Atlantic Fisheries, and is effective on March 20, 1974.

Issued at Washington, D.C., and dated March 19, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-6691 Filed 3-20-74; 8:45 am]

Proposed Rules

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 103]

BREACH OF PUBLIC CHARGE BOND

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 103.6(e) of Title 8 of the Code of Federal Regulations, pertaining to the breach of public charge bonds.

The proposed amendment to 8 CFR 103.6(e) provides a definition of the term "public charge" as it pertains to sections 212(a)(15) and 213 of the Immigration and Nationality Act, for the purpose of determining whether a breach of a public charge bond has occurred. The proposed amendment also provides that if an alien on whose behalf a bond has been furnished pursuant to section 213 of the Act becomes a public charge, the public charge bond shall be declared breached regardless of whether there is a requirement for reimbursement to the public authority against whom the charge was incurred and regardless of whether demand for reimbursement is made by such public authority.

In accordance with section 553 of Title 5 of the United States Code (30 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by April 19, 1974, will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.6, paragraph (e) is amended in the following respects:

1. The existing material is redesignated subparagraph (1) and a new caption "General" is added immediately following the subparagraph (1) designation.

2. A new subparagraph (2) is added to read as follows:

§ 103.6 Surety bonds.

* * * * *

(e) *Breach of bond*—(1) *General.* * * *

(2) *Public charge bond.* The term "public charge" in sections 212(a)(15) and 213 of the Act concerns the probability that the alien applying for admission to the United States, or for status as a permanent resident pursuant to Part 245 of this chapter, will have to be supported by public funds because he will become needy. For the purpose of determining whether there has been a breach of a condition of a bond furnished pursuant to section 213 of the Act that an alien shall not become a public charge, the alien shall be deemed to have become a public charge whenever he has been supported under a publicly funded program intended for the support of persons unable to provide for themselves. In that event, the bond shall be declared breached even if the public authority supporting the alien is not authorized to accept reimbursement or, if so authorized, fails to make a demand therefor. In the event that the public authority supporting the alien declines to accept money collected through the breach of the bond, the amount collected shall be deposited in the Treasury of the United States.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103)

Dated: March 15, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-6539 Filed 3-20-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1098]

[Docket No. AO-184-A34]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Nashville, Tennessee, on November 19, 1973, pursuant to notice thereof issued on November 7, 1973 (38 FR 31179).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Regulatory Programs, on February 15, 1974 (39 FR 6614), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification: Under "3. *Conforming changes*", a paragraph is added at the end thereof.

The material issues on the record relate to:

1. Pool plant qualifications.
2. Point of pricing diverted milk.
3. Conforming changes.

FINDINGS AND CONCLUSIONS

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

1. *Pool plant qualifications*—(a) *Balancing plant.* A balancing plant operated by a cooperative association and approved by a duly constituted regulatory authority to handle milk for fluid consumption in the marketing area, at the cooperative association's request, should be accorded pool plant status in any month in which not less than two-thirds of the total volume of milk received at such plant (including diversion to other plants) and of the producer milk of the cooperative's other producer members received at other plants, in combination, is physically received at pool distributing plants directly from the producers' farms or by transfer from such pool balancing plant of the cooperative association.

Provision whereby its balancing plant could qualify as a pool plant was proposed by the principal cooperative in the market. There was no opposition to the proposal at the hearing. An essentially identical pooling provision, included in the order continuously from November 1960 through August 1971, was suspended September 1, 1971.

A suspension order was issued on May 28, 1971 (to be effective on June 15) and applicable to the Nashville and several other orders, to deter the possible dilution of pool proceeds by milk normally associated with other markets (pool riding). With respect to the Nashville order, the suspension (1) removed the provision whereby a cooperative could designate pool status for a plant operated by such cooperative, and (2) implemented the pricing of diverted milk at the plant to which diverted (instead of at the plant from which diverted).

Subsequently (June 11), that part of the suspension action which removed the provision for pooling the cooperative's plant was deferred until September 1. In explanation, the Department noted that the suspension action that changed the point of pricing "* * * should be sufficient to remove the monetary incentive

which has existed heretofore in these markets for the introduction into their pools, directly or indirectly, of substantial quantities of unneeded distant milk". Nevertheless, in consummating the action it was noted further that the provisions of the order by which a cooperative may obtain pool status for its plant should be further reviewed at a later date.

Prior to September 1, 1971, a plant in Nashville now operated by proponent cooperative as a nonpool plant was a pool plant under the suspended pooling provision. The plant now could qualify for pooling only by receiving milk directly from producers' farms and shipping a required percentage of such receipts to pool distributing plants.

It is obviously more economical to move milk directly from the farm to handlers' bottling plants than to receive it at the cooperative's plant for reload and delivery to such bottling plants. Since the cooperative's plant is located in Nashville, where a major portion of the milk for the market is processed and bottled, there is but limited need to move milk through such plant to fill the requirements of Nashville handlers. Thus, its basic function is as an assembly point for producer milk not needed by handlers and, to a limited degree as a storage facility.

The cooperative's plant in its present capacity as a nonpool plant continues to assist the market in the balancing of receipts to bottling needs. However, the cooperative does not now have the needed flexibility to maximize operating efficiency since milk cannot move from the cooperative plant to pool handlers, as pool milk, as it formerly did to supply unanticipated emergency requests for additional milk.

Prior to September 1971, when the cooperative's plant retained pool plant status, pool distributing plants were in a position to supplement their direct producer deliveries, as needed, through transfers from the cooperative's (pool) plant. In the 12 months prior to the September 1, 1971 suspension action, 3.65 million pounds of milk were transferred from the cooperative's plant to pool distributing plants. In this period, the largest monthly transfer (in January) was 542 thousand pounds; the lowest (in August) was 42 thousand pounds.

As might be expected, the quantities of milk pooled by the cooperative's plant were highest during those months of the year when production for the market was highest relative to Class I sales. Conversely, the quantities of milk pooled by the plant were lowest in the months when the Class I needs of the market were highest relative to producer deliveries. During the same 12-month period referred to above (September 1970 through August 1971), 118 million pounds of producer milk were pooled at the cooperative's plant as either a direct delivery from producers to the plant or as diverted milk from that plant to nonpool plants. The largest monthly quantity thus pooled, in August, was 18.3 million pounds; and the lowest, in November, was 5.9 million pounds.

The cooperative's plant has continued to receive the market's surplus milk for disposition to available outside outlets. The milk of member producers that is received there and which the cooperative wishes to continue to pool is received as diverted milk from pool plants. However, much of the milk received there is not reported as a receipt of diverted milk. When the milk is not pooled and is shipped to outside unregulated markets (primarily for Class I use), the Nashville pool does not share in such Class I sales. In the 12 months ending September 1973, an average of 7.5 million pounds of milk monthly were thus received at the cooperative's Nashville plant and a monthly average of 6.6 million pounds, or 86 percent of that quantity, were sold for Class I use. Reinstating pool plant status for the cooperative plant does not provide assurance that all such outside sales will now be pooled. However, it is likely that the pooling of the plant will return at least some of the outside Class I sales to the pool.

Elsewhere in this decision, provision is made for basing the pool distributing plant route disposition requirements and supply plant pool shipping requirements on the percentage of a plant's receipts, including milk diverted from the plant. Since diverted milk is not now so used in determining plant qualifications, unlimited quantities of milk could now be associated with a plant and pooled as diverted milk, by either the plant operator or the cooperative association, without affecting a plant's pool status. Without appropriate modification of the order in this regard, the adoption of a provision providing pool status for a plant operated by a cooperative could only accentuate the problem.

The changes provided in this decision, however, will limit the quantity of milk that may be diverted since the volume of diverted milk will be included as a plant receipt for purposes of determining each plant's pooling status.

Requiring that at least two-thirds (66⅔ percent) of a cooperative's producer milk and of any nonmember milk that may be associated with the cooperative's balancing plant be delivered to pool distributing plants during the month, either by direct delivery from producers' farms or as a shipment from the cooperative's balancing plant, is a reasonable basis for qualifying such plant for pooling. All milk diverted by the cooperative plus the producer milk received at its plant(s) and that delivered by its members to other pool plants should be considered in determination of whether the requirement that at least two-thirds of such milk was delivered to pool distributing plants was met. In effect, the maximum quantity of milk that could be diverted by the cooperative and/or moved from its plant to nonpool plants during any month would be limited to one-third of the milk pooled by the cooperative.

The proponent cooperative stated that the pool distributing plants that it supplies are basically Class I operations. As a consequence, the 66⅔ percent requirement approximates the actual Class I utilization of the milk of its producer members. That percentage, which was proposed by the cooperative and was used from November 1960 through August 1971 as a basis for pooling a cooperative plant, also approximates the annual Class I utilization for the total market.

Enabling a cooperative's balancing plant to obtain pool plant status under the conditions here adopted will contribute to the orderly marketing of producer milk under the order. When the milk of dairy farmers regularly supplying the market is not needed at the bottling plant to which it is usually assigned, it can be pooled by delivery to the balancing plant. The plant thus represents an assured outlet for reserve milk without the necessity of involved arrangements under which the producers' milk would have to be diverted from bottling plants in order to maintain pool status.

Proponent proposed that a cooperative be allowed to move a balancing plant from pool to nonpool status and back on a month-to-month basis. As proposed, a cooperative could withdraw a plant from pool status for any month when it could advantageously dispose of milk for Class I use to outside markets, and pool the milk at such plant in only those months when its only use would be for manufacturing purposes. Such a provision would afford the opportunity for "pool-riding," which the 1971 suspension action was taken to deter, and would not be conducive to orderly marketing or in the best interest of all producers supplying the Nashville market.

It is necessary, however, that an appropriate means be provided under the order to enable a cooperative, under certain conditions, to remove a balancing plant from the order pool. Unless such plant during the same month qualified for pooling on the basis of its performance as a distributing plant or a supply plant, a cooperative should be permitted at any time to elect nonpool plant status for a plant that would otherwise qualify as a pool balancing plant. However, if the cooperative elects nonpool status for a balancing plant, such plant should not be reinstated for pooling as a balancing plant in the next 12 months. If a balancing plant were allowed to shift back and forth from pool to nonpool status in shorter periods, it would not be a plant on which the market could depend to perform the function of a balancing plant.

(b) *Distributing plant and supply plant standards.* The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from such plant under the diversion limits. Similarly, the quantities of milk on which the pooling percentage qualification of a supply plant is based, should include milk diverted from the plant in

addition to its receipts of producer milk. Qualifying percentages (unchanged by this decision) are now based on "total receipts of Grade A milk" for a distributing plant and "receipts of milk from approved dairy farmers" for a supply plant.

The changes here adopted, which were proposed by the principal cooperative in the market, were unopposed at the hearing.

The present basis for determining the pooling percentage qualifications are inappropriate under current conditions. They provide a means for pooling plants that may have no substantial association with the market and on which the market cannot depend for its fluid needs. The changes proposed, it was suggested by the cooperative, are necessary to avoid possible dilution of returns to producers that would result from attaching milk supplies to the Nashville pool largely predestined for manufacturing.

Whether the milk of producers regularly supplying a pool plant is diverted therefrom by the plant operator or by the cooperative through which the producers' milk is marketed, such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with the approved fluid milk products physically received at the plant.

Diverted milk may now be pooled without limit and is not included as a part of the supply of the plant from which diverted in determination of such plant's qualifications for pooling. Thus, a distributing plant diverting 50 percent of its total producer milk supply in reality must meet only 50 percent of the route disposition requirement of a distributing plant having an identical volume of producer milk supply but diverting no milk.

Similarly, if 50 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping as little as 25 percent of its total producer milk supplies to pool distributing plants. On the other hand, a supply plant that diverted no milk would have shipped 50 percent of its actual producer receipts to qualify for pooling.

The requirements herein adopted for both types of plants will provide a more equitable basis for pooling.

In determination of plant pooling status, only those plants and that milk approved for fluid consumption by a "duly constituted regulatory agency" are considered. The term "duly constituted health authority" is now used in the order in referring to such approved milk. The cooperative spokesman suggested that a term such as "duly constituted regulatory agency" would better express the intent of the reference. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In the State of Tennessee, for example, this function is the responsibility of the State Department of Agriculture.

As proposed by the cooperative, the "approved plant" definition should be replaced with definitions for "distributing plant" and "supply plant." Although commonly referred to in the order, distributing plant and supply plant are not defined. The approved plant definition, in a general manner, encompasses both distributing plants and supply plants, but it otherwise serves no purpose.

"Distributing plant" should be defined to mean a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

"Supply plant" should be defined to mean a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

The definitions here adopted for distributing plants and supply plants conform with the definitions generally provided in other orders. The specificity provided in these definitions will facilitate the references to such plants throughout the order. Also, their adoption in the Nashville order will facilitate the reference to them in transactions involving other orders.

In conjunction with the revised pool plant definition adopted in this decision, "route disposition" should be defined to mean any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant. This is essentially the same language now used in the order to define "route".

The cooperative proposed replacing "route" with "route disposition". A route disposition definition, which is now contained or is in the process of being adopted in most Federal milk orders, is more meaningful than the term "route" in the various contexts in which it is used throughout the order.

2. *Point of pricing diverted milk.* The order should be amended to price producer milk diverted from a pool plant at the location of the nonpool plant to which it is delivered. This is now achieved by means of a suspension action that has been effective since September 1, 1971.

Prior to the suspension, the order priced diverted milk at the location of the pool plant from which diverted. The suspension action was taken to remove the incentive manufacturing plants might have to associate with the order for the purpose of receiving the f.o.b. Nashville price for milk received and utilized at distant locations from the Nashville market.

When producer milk is received as diverted milk at a nonpool plant, its location value is the same as milk delivered by producers to a pool plant at the same location. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers whose milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers in that circumstance, receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population center (Nashville) in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price is appropriate, based on the location adjustment that would be applicable to a pool plant at the same location.

A cooperative proposed that milk diverted to a plant within 175 miles of Nashville be priced at the location of the plant from which diverted and that milk diverted to a plant more than 175 miles from Nashville be priced at the plant of actual receipt.

The order provides for no location adjustment at plants located in the State of Tennessee. At plants outside Tennessee and more than 50 miles from Nashville, the location adjustment (which reduces Class I and uniform prices) is 10 cents plus 1.5 cents for each 10 miles or fraction thereof that a plant is more than 70 miles from Nashville. Thus, the location adjustment at a Bowling Green, Kentucky, plant, 61 miles from Nashville is 10 cents; but no location adjustment is applicable at a Greenville, Tennessee, plant, 245 miles from Nashville.

If the cooperative's proposal were adopted, location adjustments at nonpool plants would apply only to those outside Tennessee and at least 175 miles from Nashville when location adjustments apply at pool plants outside Tennessee that are at least 50 miles from Nashville. To adopt such a provision would have different location adjustments apply at pool plants and nonpool plants at the same location. The record evidence, however, provides no basis for pricing any milk pooled under the order at other than the location of the plant where actually received.

The cooperative's proposal suggests that the order's location adjustment provisions may now be inappropriate. However, the issue of whether the location adjustment provisions should be changed was not among the proposals contained in the hearing notice or otherwise open for consideration at the hearing. Accordingly, consideration may not be given on this record to revising the location adjustment provisions.

3. *Conforming changes.* The changes in definitions provided in this decision necessitate some changes in other sections of the order wherein such definitions are involved. For the convenience of parties, a number of the affected pro-

visions have been redrafted to include the new terms. However, except as heretofore noted, these changes do not affect the application or impact of the order.

The attached order language includes several changes from the recommended decision, none of which are substantive. They are made to coordinate the order language in this decision with that contained in the decision issued February 19, 1974 (39 FR 8452, et al.) on the classification and pricing provisions in 32 orders, including the Nashville order. A complete rewrite of the Nashville order is included in that decision, which resulted from a hearing completed in November 1971. It is contemplated that the order changes contained in this decision, when approved by producers, will not be superseded by but will be incorporated in, the amended Nashville order resulting from the February 19 decision.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

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

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement[1] regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tennessee, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

Order[1a] *Amending the Order, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area*

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 15, 1974, and published in the FEDERAL REGISTER on February 21, 1974 (39 FR 6614), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications in §§ 1098.7, 1098.13 and 1098.81.

1. Section 1098.7 is revised as follows:

§ 1098.7 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or diverted pursuant to § 1098.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a

[1] Filed as part of the original document.

[1a] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to a utilization other than Class I pursuant to § 1098.46(a)(4)(ii) and the corresponding step of § 1098.46(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

2. In § 1098.9, paragraph (a) is revised as follows:

§ 1098.9 Producer-handler.

* * * * *

(a) Produces milk and operates a distributing plant;

* * * * *

3. Section 1098.10 "Approved plant" is revoked and new §§ 1098.10 and 1098.10a are added as follows:

§ 1098.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1098.10a Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

4. Section 1098.11 is revised as follows:

§ 1098.11 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption in the marketing area, that is operated by a cooperative association, for which pool plant status has been requested by the cooperative association, and from which during the month the quantity of fluid milk products (except filled milk) shipped to pool plants qualified pursuant to paragraph (a) of this section plus the milk physically received at such plants by direct delivery from the farms of producer members of the cooperative association is not less than two-thirds of the producer milk received at or diverted from pool plants of the cooperative association plus its members' producer milk received at or diverted from all other pool plants during the same month. If the cooperative association operating a plant qualified as a pool plant pursuant to this paragraph files with the market administrator prior to the first day of any month a written request for nonpool status for such month, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than as route disposition in the Nashville, Tenn., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further*, On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as route disposition than as route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater route disposition in the marketing area of the Nashville, Tenn., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to paragraph (b) of this section during the preceding August through January period.

5. In § 1098.13, paragraph (c) is revoked and paragraph (b) is revised as follows:

§ 1098.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant. Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant.

6. In § 1098.18 the title "Route" is changed to "Route disposition" and § 1098.18 is revised as follows:

§ 1098.18 Route disposition.

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant.

§ 1098.53 [Amended]

7. In § 1098.53, the word "pool" as it appears in paragraph (a) thereof is deleted.

8. In § 1098.81, a new paragraph (c) is added to read as follows:

§ 1098.81 Payments to market administrator.

* * * * *

(c) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be

prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the lowest price class) and the lowest price class.

9. In § 1098.83, paragraph (b) is revised as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

* * * * *

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1098.53; and

* * * * *

10. In § 1098.85, paragraph (c) is revised as follows:

§ 1098.85 Expense of administration.

* * * * *

(c) Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1098.91 [Deleted]

11. Section 1098.91 is deleted.

12. In § 1098.92, paragraph (b) (1) and (3) is revised as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) * * *

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

* * * * *

[FR Doc.74-6545 Filed 3-20-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 319]

INTERPRETATION OF THE TERM "MEAT"

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by sections 7 and 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 607 and 621), proposes to amend the Federal meat inspection regulations (9 CFR 319.1) to provide an interpretation of the term "meat" when specified in relation to meat quantity requirements associated with products for which maximum fat content limits are expressed in the definitions and standards of identity or composition in Part 319.

Statement of Considerations. Any restriction in the available supplies of meat to serve as ingredients of processed products adversely influences the production of such products in quantities sufficient to satisfy consumer requirements. This situation requires that the Department consider every possible means to utilize available sources of meat ingredients without detrimental effect on the nutritional value or other important properties of consumer products.

Meats for manufacturing purposes vary greatly in their fat to lean proportions with this characteristic determined, generally, by their origin. As an example, ordinarily the lean content is comparably high in meat that is secured from cattle that are not fattened prior to slaughter. On the other hand, meat trimmed from carcasses or major carcass parts from animals that are fattened in their preparation for marketing, usually consists principally of fat. It has been normal for meat processors to blend these particular types of meats to arrive at predetermined proportions of the fat and lean components. This insures consistency in the texture of the consumer products and has a direct effect, also, on their flavor and appearance.

The Department has applied a policy for many years that requires product identified as "meat" to include at least 12 percent lean. In view of advancing technology and the need to adopt the most effective procedures for the best utilization of available protein supplies, it appears that the Department should propose that meat from cattle, sheep, swine, or goats, without regard to a specific minimum lean content, be considered as "meat" when used as an ingredient of a product for which a definition and standard of identity or composition, which specifies a maximum fat limit, is prescribed in Part 319 of the regulations. However, such meat would be required to contain visible lean tissue and the finished meat food product would be required to comply with the limits on fat content specified in the standards. Such a policy would permit the blending of supplies of manufacturing meat regardless of their lean content with the assurance that the products produced for consumer usage would not contain more than their permitted percentages of fat. It appears that implementation of this new policy would provide processors with greater manufacturing leeway which may increase the supplies of available processed products to meet consumer requirements without any lessening of the appearance, taste, or nutritive properties of the products.

Section 319.1 would be amended by designating the existing paragraph as (a) and adding a new paragraph (b) to read:

§ 319.1 Labeling and preparation of standardized products.

* * * * *

(b) When a standard of identity or composition prescribed in this Part for any product provides that such product shall contain "meat" and provides a maximum fat content limitation for the product, the meat to be used shall contain visible lean tissue but no specific percentage of lean tissue is required. However, the finished product must comply with the maximum fat content limitation.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Standards Staff, Technical Services, Meat and Poulty Inspection Program, Animal and Plant Health nical Services, Meat and Poultry Inspec-Agriculture, Washington, D.C. 20250, by May 24, 1974.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: March 15, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-6600 Filed 3-20-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 212]

[Docket No. 26509; EDR-264]

CHARTER TRIPS BY FOREIGN AIR CARRIERS

Proposed Terms, Conditions, and Limitations

By Order to Show Cause, Order 74-3-71, issued contemporaneously herewith, the Board directed interested persons to show cause why the Board should not, subject to the approval of the President, amend Part 212 of its Economic Regulations in the manner set forth in the "Proposed Rule" attached below; and, to the extent such regulatory amendments might be deemed to constitute an amendment of foreign air carrier permits authorizing individually ticketed or individually waybilled foreign air transportation, or both, why such permits should not be so amended. The basis, purpose and principal features of the proposed amendments are set forth in that order. The amendments are proposed under the authority of sections 204(a) and 402 of the Federal Aviation Act, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

Accordingly, notice is hereby given that, pursuant to and in accordance with Order 74-3-71, any interested person having objections to the proposed amendments, or desiring otherwise to comment with respect thereto, shall file with the Board by April 29, 1974, a memorandum stating objections or comments supported by evidence. Reply comments may be filed within twenty (20) days following the date for filing of initial comments.

Dated: March 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

It is proposed to amend Part 212 of the Board's Economic Regulations (14 CFR Part 212) as follows:

1. Amend the Table of Contents by adding a reference to a new § 212.3b and by revising the caption of § 212.4, the revised Table to read in part as follows:

Subpart A—General Provisions

Sec.

* * * * *

212.3b Limitation on annual number of charter trips originating in the United States.

212.4 Statement of authorization required for operation of certain charter trips.

* * * * *

2. Amend § 212.1, by deleting from the definitions set forth therein, the definitions of "Off-route charter trip" and "On-route charter trip" as follows:

§ 212.1 Definitions.

* * * * *

"Mixed charter" * * *

"Pro rata charter" * * *

* * * * *

3. Amend § 212.2 to read as follows:

§ 212.2 Applicability and scope.

(a) *Applicability.* This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation performed pursuant to a foreign air carrier permit issued under section 402 of the Act authorizing direct foreign air transportation on an individually ticketed or individually waybilled basis. The limitations and regulations specified as applicable to charter trips shall be applicable to all charter trips, irrespective of whether the authority to conduct such trips derives from the linear route authority described in the carrier's permit or from any additional authority conferred in such permit, and irrespective of the points involved in such trips. The terms, conditions, and limitations applicable to charter foreign air transportation performed pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only are governed by Part 214 of the Board's Economic Regulations.

(b) *Scope.* (1) Charter trips may be performed by all direct foreign air carriers who hold currently effective section 402 permits authorizing foreign air transportation on an individually ticketed or individually waybilled basis, subject to the terms, conditions and limitations set forth in the permit or the order authorizing issuance of the permit, and to the terms, conditions and limitations of this part or any amendment thereof, or as may from time to time be prescribed by the Board. Subject to the foregoing, foreign air carriers holding such permits may, without prior Board authorization, conduct charter trips only between points in the territory of their home country and points in the United States: *Provided, however,* That prior Board authorization will be required for such charter trips, upon notification to the carrier, pursuant to § 212.4(b): *And Provided further,* That, with respect to such charter trips originating in the United States, such carrier's charter operations may not exceed, during any calendar year, the maximum number prescribed under § 212.3b.

(2) The limitation prescribed in subparagraph (1) of this paragraph, on the points between which a carrier may conduct charter trips shall not apply to the performance of a charter trip, as provided in § 212.8(a)(4-a) in cases of emergency, but such emergency charters shall be subject to the limitations and requirements prescribed by §§ 212.4(a) and 212.14.

4. Add a new § 212.3b, following the present § 212.3a, the new section to read as follows:

§ 212.3b Limitation on annual number of charter trips originating in the United States.

The maximum number of charter trips originating in the United States which a foreign air carrier may perform during any calendar year shall be determined as follows:

(a) During any calendar year in which the foreign air carrier—

(1) Operates less than 18 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than six;

(2) Operates between 18 and 45 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than one-third;

(3) Operates more than 45 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than 15.

(b) For the purpose of computing the number of charter trips which may be operated, pursuant to paragraph (a) of this section—

(1) Any charter originating in one country and flown to the other, whether one-way or round-trip, will be considered as one charter trip; and

(2) Where two or more charters, each of which is for less than the entire capacity of the aircraft, are carried on the same charter trip from the territory of the home country to the United States, and any one of such charters originated in the United States, then such charter trip shall be considered as a United States-originated charter trip.

5. Amend § 212.4 to read as follows:

§ 212.4 Statement of authorization required for operation of certain charter trips.

(a) Except in cases of emergency, performance of a charter trip as provided in § 212.8(a)(4-a) may not be provided by a foreign air carrier without a Statement of Authorization: *Provided, however,* That such emergency charters for commercial traffic shall be reported in accordance with § 212.14: *And provided further,* That no such emergency charter trips may be performed on any day in each of three or more successive calendar weeks for any single direct air carrier without a Statement of Authorization. An "emergency charter," within the meaning of this section, shall not include such circumstances as cancellations of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft.

(b)(1) The Board, if it finds that the public interest so requires, may at any time, with or without hearing, notify a foreign air carrier subject to this part that it shall not perform charter trips in the absence of prior Board authorization. The Board's notification shall be effective for such period or periods and with respect to such operations as the Board may specify in accordance with this paragraph. Effective not earlier than 30 days after the date of such notice, the foreign air carrier shall not perform any charter trip falling within the specifications of the notice, unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board.

(2) If an application for a Statement of Authorization, filed pursuant to the requirements of this subsection, has been timely filed at least 30 days in advance of the proposed flight, then, to the extent that such application relates to a charter trip or trips between points between which the applicant holds authority under a foreign carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis, notification of the Board's proposed failure to approve either the whole or part of such application will be submitted to the President of the United States at least 10 days prior to the date of the proposed flight. Any such failure to approve shall be subject to stay or disapproval by the President within 10 days after the date of the Board's notification.

6. Amend paragraphs (a) and (b) of § 212.5, the amended paragraphs to read as follows:

§ 212.5 Statements of Authorization; application.

(a) Application for a Statement of Authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the atention of the Director, Bureau of Operating Rights. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone: *Provided, however,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4–a)) must be submitted on CAB Form 433, and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and upon each certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of Operating Rights, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations, type of aircraft to be flown; if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers; and shall refer to the bilateral agreement or understanding, if any, between the United States and the foreign nation which is the domicile of the applicant whereunder the applicant has been designated to provide the charter services covered by the application. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of Operating Rights, as soon as practicable, but in no event later than fifteen (15) days after consummation.

(b) Applications for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in §§ 212.4(a) and 212.8(a)(4–a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight. Applications required pursuant to § 212.4(b), shall, unless otherwise specified by the Board, be filed not less than 30 days in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

* * * * *

7. Amend § 212.6, by revising paragraph (b) and deleting paragraph (b–1), the amended section to read in part as follows:

§ 212.6 Issuance of statement of authorization.

* * * * *

(b) In passing upon an application involving a charter trip or trips under § 212.8(a)(4–a), the Board will consider the following factors, among others, in making its determination as to the public interest:

(1) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated any of the provisions of this part or of Part 218 of this subchapter.

(2) Whether operations under the charter will have a significant adverse competitive impact on any U.S. air carrier. In making this determination, the Board will consider such factors as: The relative size and financial strength of the U.S. air carriers and the foreign air carriers operating on the route; and whether the proposed operation will render uneconomic any U.S.-carrier operations over the route.

(3) Whether the nature of the arrangement and the benefits to be realized are such that the authority sought should be the subject of a bilateral agreement with the applicant's government.

(4) Whether the authority sought is covered by and consistent with pertinent bilateral air transport agreements to which the United States is party.

(5) Whether, and to what extent, the applicant owns and controls the charterer.

* * * * *

8. Amend subparagraphs (1) and (2) of § 212.7(a), the amended subparagraphs to read as follows:

§ 212.7 Records and record retention.

(a) * * *

(1) True copies of all passenger lists, air waybills, invoices, and other traffic documents covering charter trips performed under a statement of authorization.

(2) A copy of every contract for charter trips originating or terminating in the United States together with all traffic documents pertaining to such charters.

* * * * *

9. Amend §§ 212.8 (a) and (b) by revising subparagraphs (8) and (6), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) Where the entire capacity * * *

(8) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter.

(b) * * *

(6) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further,* That paragraph (b) shall not be construed to apply to movements of property.

10. Amend § 212.13 by revising paragraph (a) to read as follows:

§ 212.13 Waiver.

(a) Waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein: *Provided, however,* That an application for a waiver of the rules so as to permit the operation of charter trips involving points in countries other than the United States and the territory of the applicant's home country, or to permit the operation of U.S.-originating charter trips in excess of the limitation prescribed in § 212.3b will ordinarily be granted by the Board only if it finds that: (1) Such waiver is consistent with the rights of the applicant as embodied in a charter agreement which is in effect between the governments of the United States and the home country of the applicant; (2) the government of the home country of the applicant authorizes United States carriers to perform charters of the same nature and in the same volume as the aggregate of charters for which waiver is sought hereunder by the carriers of the applicant's home country; or (3) there are highly unusual and extraordinary circumstances. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the cir-

cumstances warranting a waiver did not exist 30 days before the flight.

* * * * *

[FR Doc.74-6566 Filed 3-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION

Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Subpart R to Part 85 of Title 40 of the Code of Federal Regulations, as set forth below.

Explanatory statement. The proposed regulations are intended to clarify the Environmental Protection Agency's policy with respect to exclusion and exemption of motor vehicles and motor vehicle engines under the Clean Air Act, as amended.

The term "exclusion" as used in the proposed regulations involves the construction and application of the term "motor vehicle" which, as defined in section 213(2) of the Act, means "any self-propelled vehicle designed for the transportation of persons or property on a street or highway." Vehicles meeting the definition are, of course, within the scope of the Act and are subject to applicable standards, unless they are expressly excepted therefrom or they fall within a class of vehicles for which no standards exist. For example, motorcycles are deemed light duty vehicles of the gasoline fueled type, but even though light duty vehicle standards exist, motorcycles to date have been expressly excepted from the application of those standards by regulation. This exception will terminate when emission standards specifically applicable to motorcycles are promulgated; EPA has already published an advance notice of proposed rulemaking for motorcycles.

Similarly, heavy duty vehicles fueled by liquid propane gas need at this time not be certified, since no regulations concerning liquid propane vehicles have been promulgated.

The term "exemption" as used in the proposed regulations involves vehicles that are subject to applicable standards and for which a manufacturer requests of the Environmental Protection Agency an exemption authorized by one or more of the exemption provisions of the Act. Under section 203(b)(1) exemptions are available for vehicles and engines on the basis of research and development activities and national security; under section 203(c) exemptions are available for vehicles and engines or classes thereof for the purpose of fuel conversion; and under section 203(b)(3) a statutory exemption is available for most vehicles and engines intended solely for export.

In recent months numerous inquiries have evidenced a substantial degree of uncertainty on the part of manufacturers with regard to the Environmental Protection Agency's policy concerning both exclusion and exemption matters. With respect to exclusion, the uncertainty involves the substantive problem of ascertaining the scope of the Act's motor vehicle definition, especially in conjunction with vehicles having highly specialized functions, namely, general utility vehicles, farm vehicles and equipment, construction, mining and logging vehicles, certain military vehicles, and public welfare vehicles. With respect to exemption, the uncertainty involves the substantive problem of determining the scope of the Act's various exemption provisions and the related procedural problem of requesting an exemption, if an exemption is appropriate.

With respect to the treatment afforded exclusion matters in the proposed interpretive regulations, some general observations can be made:

(1) In general, the proposed regulations embody a series of guiding criteria whereby the applicability of the Act to most vehicles can be easily determined. The proposed criteria are constructed to be as objective as possible; however, no attempt was made to categorize all possible features in order to avoid a limitation on the general principles expressed in the criteria.

(2) Thus, § 85.1703(a)(1) excludes vehicles which cannot maintain a cruising speed of 20 m.p.h. over level, paved surfaces. Section 85.1703(a)(2) excludes vehicles which lack features customarily associated with safe and practical highway use. Section 85.1703(a)(3) excludes vehicles which exhibit features which render their use on a street or highway unsafe, impractical, or highly unlikely. Of these criteria, that of § 85.1703(a)(1), namely the speed criterion, is perceived as being the determinant in the vast majority of questions that do arise. Accordingly, comments on the appropriateness of such a criterion, the particular speed selected, and the most desirable manner of defining the speed are especially invited.

(3) The guiding criteria are intended to reflect to a large extent certain generalizations commonly made in connection with the definition of "motor vehicle" to the extent those generalizations are consistent with the case-by-case opinions rendered by the Agency in recent years. Thus, the criteria operate to exclude from the Act most farm equipment, construction equipment, mining equipment, and tracked vehicles of all types.

(4) On the other hand, it is emphasized that the criteria do not operate to exclude public welfare vehicles and military vehicles per se. Thus, most public welfare vehicles such as police cars, ambulances, fire trucks, street sweepers, and garbage trucks fail to qualify under any of the exclusion criteria of § 85.1703, but such vehicles as airport crash trucks, because of their inordinate size and minimal street or highway use, are covered by § 85.1703(a)(3) and, therefore, are excluded from the Act. Similarly, military vehicles, such as jeeps and trucks, are generally deemed motor vehicles, but other military vehicles, because of their peculiar characteristics and special uses, may be excluded from the Act by the application of the criteria in § 85.1703.

With respect to the treatment afforded exemption matters in the proposed regulations, some additional general observations can be made:

(1) In general, the proposed regulations define the substantive scope of each exemption provision of the Act and establish a procedure whereby exemptions can be requested. The exemption provision having the broadest implications is section 203(b)(1) and, accordingly, that section is the focus of the proposed regulations.

(2) A substantive issue of considerable significance, namely, the scope of the term "national security" as employed in section 203(b)(1), has been addressed. The proposed regulations embody the Agency's views that "national security" is to be viewed in the national defense sense, rather than the broader national welfare sense. The impact of this policy is that national security exemptions would not be available for such vehicles as municipal fire trucks and would be available for national defense-type vehicles but only with the endorsement of the appropriate federal agency.

(3) With regard to testing exemptions, a significant distinction has been drawn between activities of the type involving a lease or sale by the manufacturer to another party for the implementation of the test program and activities of the type wherein the manufacturer himself executes the test program. Both types of activity are accommodated by the granting of an exemption with a variety of terms and conditions attached; however, for the latter type of activity the terms and conditions are significantly less stringent.

(4) The proposed regulations apply to foreign and domestic manufacturers.

This notice of proposed rulemaking is issued under authority of the following sections of the Clean Air Act, as amended; section 301(a), 81 Stat. 504, as amended by section 15(c), 84 Stat. 1713, (412 U.S.C. 1857g(a)); section 203(b), as amended by sections 7(a)(5), 15(c)(e), 84 Stat. 1693, 1713, (42 U.S.C. 1857-2(b)(1)); section 203(c), 84 Stat. 1693, (42 U.S.C. 1857-2(c)); and section 213(2), section 101(8), 79 Stat. 994.

Interested persons may participate in the rulemaking proceeding by submitting written comments in triplicate to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, SW.,
Washington, D.C. 20460

All comments received on or before May 20, 1974, will be considered. Comments received pursuant to this proposal will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 232, Waterside Mall, Fourth and M Streets, SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after con-

sideration of comments, will be promulgated as soon as practicable after such consideration.

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

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

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Sec.

AUTHORITY: Sec. 301(a), 81 Stat. 504, as amended, sec. 15(c), 84 Stat. 1713 (412 U.S.C. 1857g(a); Sec. 203(b), as amended, Secs. 7(a) 5, 15(c)(e), 84 Stat. 1693, 1713 (42 U.S.C. 1857–2(b)(1)); Sec. 203(c), 84 Stat. 1693 (42 U.S.C. 1857–2(c)); Sec. 213(2), Sec. 101(8), 79 Stat. 994.

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

§ 85.1701 General applicability.

(a) The provisions of this subpart regarding exemption are applicable to new and in-use motor vehicles and motor vehicle engines.

(b) The provisions of this subpart regarding exclusion are applicable after the effective date of these regulations.

§ 85.1702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the mean ing given them in the Act:

(1) "Export exemption" means an exemption granted by statute under section 203(b)(3) of the Act for the purpose of exporting new motor vehicles and new motor vehicles engines.

(2) "Fuel conversion exemption" means an exemption which may be granted under section 203(c) of the Act for the purpose of fuel conversion.

(3) "National security exemption" means an exemption which may be granted under section 203(b)(1) of the Act for the purpose of national security.

(4) "Pre-certification vehicle" means an uncertified vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(5) "Pre-certification vehicle engine" means an uncertified engine used in a vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(6) "Testing exemption" means an exemption which may be granted under section 203(b)(1) for the purpose of research, investigations, studies, demonstrations or training, but not including national security.

§ 85.1703 Application of section 213(2).

(a) For the purpose of determining the applicability of section 213(2) a vehicle shall be deemed not a motor vehicle and therefore shall be excluded from the operation of the Act, if any one or more of the criteria set forth below are met:

(1) The vehicle cannot maintain an average cruising speed of 20 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear, a differential, and safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, as inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) Vehicle, as used in paragraph (a) of this section, means a self-propelled device capable of and intended for transporting a person or persons, or transporting property. Property means any material, or any permanently or temporarily affixed apparatus.

§ 85.1704 Who may request an exemption.

(a) Any manufacturer may request any exemption provided by this subpart, or exempt vehicles as provided by § 85.-1707. For heavy duty motor vehicle engines, exemption may be requested by the engine manufacturer or the vehicle manufacturer.

(b) Any person may request an exemption under § 85.1708 with regard to new motor vehicles or new motor vehicle engines.

§ 85.1705 Testing exemption.

(a) Any manufacturer requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with section 203(b)(1);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program exhibits reasonableness in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the Environmental Protection Agency's (hereafter EPA) monitoring requirements. Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four above identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose is one which is consistent with one or more of the bases for exemption set forth under section 203(b)(1), namely, research, investigations, studies, demonstrations, or training, but not including national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing one or more of the prohibited acts under section 203(a). In appropriate circumstances time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of vehicles and engines. In this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The absolute number of vehicles and engines involved; and

(3) The fraction of the applicant's total sales represented by the absolute number of (2).

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The time and mileage duration of the test;

(4) The ownership arrangement with regard to the vehicles or engines involved in the test;

(5) The intended final disposition of the vehicles or engines;

(6) The vehicle identification numbers and the engine serial numbers; and

(7) The means or procedure whereby test results will be recorded.

(f) Paragraph (a) of this section applies irrespective of the engine's or vehicle's place of manufacture.

(g) Where a vehicle is a display vehicle to be used solely for display purposes, will not be operated on the public streets or highways, and will not be sold, no request for exemption of the vehicle or its engine is necessary.

(h) Paragraph (a) of this section does not apply for pre-certification vehicles or pre-certification engines. In such cases a request for exemption is necessary; however, the only information required is a statement setting forth the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record keeping procedures for control purposes will be employed.

§ 85.1706 National security exemptions.

A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

§ 85.1707 Export exemptions.

(a) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of section 203(a) of the Act, unless the importing country has new motor vehicle emission standards which differ from US EPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards whatsoever is deemed to be a country having emission standards which differ from US EPA standards.

(c) EPA shall periodically publish in the FEDERAL REGISTER a list of foreign countries which have in force emission standards identical to US EPA standards and have so notified EPA. New motor vehicles or new motor vehicle engines exported to such countries shall comply with US EPA standards.

(d) It is a condition of any exemption for the purposes of export under section 203(b)(3) of the Act, that such exemption shall be void ab initio with respect to a new motor vehicle or new motor vehicle engine intended solely for export where:

(1) Such motor vehicle or motor vehicle engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export; and

(2) The motor vehicle or motor vehicle engine manufacturer had reason to believe that any such vehicle would be sold or offered for sale as described in subparagraph (1) of this paragraph.

§ 85.1708 Fuel conversion exemptions.

Any person requesting a fuel conversion exemption must provide the following items of information:

(a) A statement that the fuel conversion modification of the certified configuration will not, on the basis of engineering judgment and/or available data, result in noncompliance with applicable emission standards;

(b) The number of vehicles affected by the modification;

(c) The specific nature of the modification; and

(d) The persons or class of persons to whom the exemption shall apply.

§ 85.1709 Granting of exemptions; liability for violation of terms and conditions.

(a) If upon completion of the review of an exemption request, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and provided to the manufacturer or person requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions will generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines or vehicles setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the vehicles or engine.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject vehicle or engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio with respect to any vehicle or engine. Consequently, the introduction or delivery for introduction into commerce of any subject vehicle other than in strict conformity with all terms and conditions of this exemption shall constitute a violation of section 203(a)(1) of the Clean Air Act, and shall render the manufacturer or person to whom the exemption is granted, and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 and 205 of the Act.

§ 85.1710 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, SW., Room 3220J
Washington, D.C. 20460

[FR Doc.74-6570 Filed 3-20-74;8:45 am]

[40 CFR Part 129]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards; Correction

In the December 27, 1973, issue of the FEDERAL REGISTER (38 FR 35388), the Environmental Protection Agency published a notice of proposed rulemaking which would establish effluent standards for toxic pollutants under Section 307(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) (the Act).

On October 26, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 29646) a notice of the availability of the Agency's proposed Water Quality Criteria published pursuant to section 304(a)(1) of the Act. Comments were requested on the proposed criteria.

This notice amends the original notice and the proposed Water Quality Criteria to correct an error made by the Agency in publishing the proposed Criteria and in deriving the proposed effluent standards for discharges of mercury into estuarine and coastal waters. As is explained in the preamble to the notice of proposed rulemaking, the proposed standards were calculated to assure that water quality criteria would be met in most cases. The basis for the proposed effluent standards for discharges of mercury into estuarine and coastal waters was the following statement on page 275 of the proposed Water Quality Criteria published by EPA in October, 1973, pursuant to Section 304(a) of the Act: "Concentrations of mercury in excess of 1.0 μg/1 in marine or estuarine waters are unacceptable." This statement, in turn, was based upon the following recommendation on p. 252 of the National Academy of Science report, entitled "Water Quality Criteria, 1972", prepared under contract for EPA: "On the basis of data available at this time, it is suggested that concentrations of mercury equal to or exceeding 0.10 μg/1 constitute a hazard in the marine environment."

The discrepancy between these two numbers was not intentional on EPA's part, but constituted an error of transcription. Accordingly, since the proposed effluent standards for discharges of mercury into estuarine and coastal waters were based in part upon the proposed Water Quality Criteria, those effluent standards should be modified. The limitations expressed as concentrations permitted to be discharged (40 CFR 129.08c (b)(1) and (b)(2)) would not be changed by this error, since they are derived directly from data on acute toxicity. However, the limitations on total daily weight in 40 CFR 129.08c(b)(3) require revision, since they are derived directly from the proposed Water Quality Criteria. These limitations should be one tenth the levels set forth in the proposed standards.

The following amendment to the proposed regulations reflects the changes discussed above:

40 CFR Part 129, as proposed on December 27, 1973, is amended as follows:

§ 129.08c Effluent standard for mercury.

(b) * * *

(3) * * *

(iii) Estuary from any facility subject to this subpart shall not exceed 0.00432 times the receiving water body flow in m^3/sec. to give kg/day or 0.00027 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 1.22 kg/day or 2.70 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.00519 times the receiving water body flow in m^3/sec. to give kg/day or 0.000324 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 1.47 kg/day or 3.24 pounds/day regardless of receiving water flow.

The deadline for the submission of comments on EPA's proposed Water Quality Criteria is April 26, 1974. The Agency sees no need to modify this date. However, the deadline for the submission of comments on the proposed toxic pollutant effluent standards is March 27,

1974. Because this notice may significantly affect some dischargers of mercury, the deadline for the submission of comments is hereby extended to April 26, 1974, but only with respect to the proposed paragraphs (b) (3) (iii) and (iv) of 40 CFR 129.08c.

Dated: March 15, 1974.

JOHN QUARLES,
Deputy Administrator.

[FR Doc.74-6526 Filed 3-20-74;8:45 am]

[40 CFR Part 180]

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

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide; Proposed Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington submitted a petition (PP 4E1435) proposing establishment of a tolerance for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl benzamide) in or on the raw agricultural commodity blueberries at 0.05 part per million.

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

1. The herbicide is useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance represents a negligible residue and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.317 be amended by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 180.317 3,5-Dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on blackberries, blueberries, boysenberries, and raspberries.

* * * * *

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, by April 22, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, by April 22, 1979, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: March 12, 1974.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.74-6468 Filed 3-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10668; File No. S7-515]

SHORT SALE OF SECURITIES

Request for Public Comment

The Commission today announced proposed amendments to Rule 3b-3, Rule 10a-1 and Rule 10a-2 under the Securities Exchange Act of 1934. The amendments are proposed under section 3(b), 10(a) and 23(a) of the Securities Exchange Act.

In its "Policy Statement on the Structure of a Central Market System," [1] the Commission noted that before a composite transaction reporting system becomes operational [2] it will be necessary to review current provisions for the regulation of short sales to insure that such regulation will be complete and effective.[3]

At present, trading in a particular security is subject to varying degrees of short sale regulation depending on the market in which particular transactions are effected. Trades in the "primary" exchange market for a particular security, for example, are subject to Securities Exchange Act Rule 10a-1 [4] which prohibits a short sale on an exchange of any security below the price at which the last sale was effected (a "minus tick") or at the last sale price if the immediately preceding trade was at a higher price (a "zero-minus" tick).[5] Generally, trades on a "regional" exchange are subject to the same requirement; however, paragraph (d)(6) of Rule 10a-1 permits a short sale on an exchange if necessary to equalize the price of such security with its current price in the principal exchange market for that security.[6] In practice, this exemption has permitted a short sale on a regional exchange to be effected at a price equal to the last sale of such security on the primary exchange, without regard to whether such sale would be above or below the last sale on the regional exchange or whether the last sale in the primary market was effected on a "plus" or minus tick. Finally, while section 10(a) of the Securities Exchange Act authorizes the Commission to adopt comprehensive short sale regulation for securities "registered" on a national securities excange, whether such sales are effected thereon or by means of another instrumentality of interstate commerce, Rule 10a-1 applies only to exchange transactions. Short sales in the over-the-counter market for listed securities (the "third market") are not currently regulated.

The implementation of a composite transaction reporting system is the first of a series of steps the Commission outlined in it Policy Statement to achieve the goal of a central market system in securities registered on an exchange.[7] Reports of transactions in certain securities registered on a national securities exchange, whether effected on the exchange with which the issuer is registered, or on one or more other exchanges, or in the third market, will be commingled in a continuous stream of information. The Commission believes it is particularly important, for the protection of investors and to ensure fair dealing in such securities, that transactions reported through the composite tape system be subject to appropriate short sale regulation.

It has long been recognized that one of the dangers of short selling is the possibility that a seller will attempt to establish new lows in a particular security with the hope that investors, observing the decline in price, will be induced to liquidate their holdings. If such seller is able to exhaust the existing bids in a particular security with his short sales, and if he is able to attract long selling to the market, his goal of accelerating the price decline of a particular security should be accomplished. Thus, it is the national dissemination of short sales, either by an exchange transaction tape, or, as contemplated, by a composite transaction reporting system, which in large part enables the short seller to accomplish his intentions. The Commission does not believe the composite transaction reporting system should provide a vehicle for such efforts. In addition, short sale regulation should ensure that trans-

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[1] Securities and Exchange Commission, "Policy Statement on the Structure of a Central Market System" (March 29, 1973).

[2] See Securities Exchange Act Release No. 9850 (Nov. 8, 1972) (adoption of Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10026 (March 5, 1973) (requesting comment on a joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10073 (March 29, 1973) (requesting comment on certain exhibits and related documents supplementing the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10161 (May 21, 1973) (requesting public comment on certain amendments to the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10218 (June 13, 1973) (Letter of the Commission offering comments on, and proposed amendments to, the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities and Exchange Commission File No. S7-433.

[3] Policy Statement, 52, 66.

[4] 17 CFR 240.10a-1.

[5] See generally, Securities Exchange Act Release No. 2039 (March 10, 1939); 2 "Report of Special Study of Securities Markets," H. Doc. No. 95, 88th Cong., 1st Sess. 251-252 (1963).

[6] See Securities Exchange Act Release No. 1579 (Feb. 10, 1938).

[7] Policy Statement, 64-68.

actions are not effected in one market, in a security that is traded in multiple markets, solely because of the desire of a customer to evade short sale restrictions imposed in another market.

The Commission's Advisory Committee on a Central Market System addressed itself to the form Rule 10a–1 should take upon the implementation of a composite transaction reporting system. The Committee, in its "Interim Report to the Commission on Regulation Needed To Implement a Composite Transaction Reporting System," recommended that short sales be prohibited at prices below that of the last transaction reported in the composite transaction reporting system (a minus tick) or at that price if such price was below the preceding transaction at a different price reported in that system (a zero-minus tick).[8] The Committee recognized that the effectiveness of such an approach would be dependent on prompt reporting and proper sequencing of transactions, particularly during periods of unusually active trading.[9]

In addition, the Committee considered two exemptions to its proposed rule, only one of which the Committee members agreed upon. The Committee believed that the general short sale rule suggested above should be modified to permit a short sale made pursuant to a firm, recorded, time-stamped offer to sell without regard to an intervening report in the composite transaction reporting system of another transaction at a higher price, as long as a short sale pursuant to that offer would have been in compliance with the short sale rule when the offer was recorded. Without this exemption, it may be that a market maker would be unduly restricted by the appearance of intervening trades effected in other markets reported on the composite transaction reporting system.[10]

The Committee also analyzed the "equalizing" exemption provided in paragraph (d)(6) of Rule 10a–1 for short sales effected in "secondary" exchange markets.[11] In most instances, the Committee's proposed rule would obviate the need for an equalizing exemption since permissible sales would be determined by last sale, not in the market in question, but in the composite transaction reporting system. The Committee noted, however, that a limited equalizing exemption may be necessary where a specialist on a regional exchange has granted "primary market protection" to a customer, guaranteed the customer an execution at the next sale price in the primary market or, in the case of a limit order, at the limit price if the primary market price reaches the limit order price. Without an exemption it would appear that a regional exchange specialist may be prevented from filling a customer's limit order bid since the specialist may not be "long" at the time of execution. The Committee was unable to reach agreement, however, as to whether a limited form of equalizing exemption should be continued.[12]

Several questions have been raised by interested observers as to the efficacy of the Advisory Committee's proposed short sale rule. For example, some have stated that the proposed rule may result in more opportunities for legal short sales than at present. Others have stated that it would be difficult, if not impossible, for a specialist in an unusually active market to watch the stream of information emanating from the composite transaction reporting system in order to determine permissible short sales. Still others have pointed out that there may be delays between the execution of an order and its appearance in the information stream or that, in period of unusually high volume, the system may experience transmission delays resulting in delays in the reporting of transactions. Therefore, while the Commission is publishing herein amendments to Rule 10a–1 to implement the recommendations of its Advisory Committee, interested commentators are specifically requested to address the asserted deficiencies in this approach noted above and certain policy questions, which among other things, reflect certain alternative proposals that have been suggested.

The specific policy questions on which comment is invited are as follows:

(1) If the Commission adopts the rule published in this release, should the rule provide an exemption from short sale regulation for sales made by "secondary" market makers at a price equal to last sale in the primary market pursuant to an order for which "primary market protection" has been granted? If so, should such an exemption be of temporary duration, i.e., only until other aspects of the central market system are functioning?

(2) Rather than using last sale appearing in the composite transaction reporting system as a reference point for determining permissible short sales, should the short sale rule prohibit short sales on "minus" or "zero minus" ticks in relation to last sale in the primary market for such securities? If such an approach were adopted, should "secondary" market makers be permitted to effect "equalizing" sales at the primary market price, as is presently permitted pursuant to paragraph (d)(6) of Rule 10a–1?

(3) Would it be more appropriate for short sale regulation

(a) To prohibit short sales below the lowest independent offer, or

(b) To prohibit short sales below a specified predetermined price such as previous day's closing price, previous day's low or same day's opening, or

(c) To limit short selling to a predetermined amount of the outstanding publicly-held securities?

Interested commentators should also note that the amendments published herein:

(1) Amend Securities Exchange Act Rule 3b–3 to define ownership of a security for the purpose of determining whether a particular sale is long or short;[13]

(2) Amend Rule 10a–1 to apply to sales of securities registered on a national securities exchange effected by any broker or dealer rather than merely a member;

(3) Eliminate the exemption for short sales of odd-lots;

(4) Expand the odd-lot dealer exemptions to include certain sales by Qualified Third Market Makers in securities for which such market makers file notices on Form X–17A–16(1) (17 CFR 249.631);

(5) Amend the regional exchange "equalizing" exemption to limit its availability to certain securities, trades in which are not reported in a composite transaction reporting system pursuant to Securities Exchange Act Rule 17a–15 (17 CFR 240.17a–15);[14]

(6) Add an exemption for sales pursuant to recorded, time-stamped offers established prior to an intervening transaction to which the seller was not a party;

(7) add an exemption for sales made pursuant to a plan of a national securities exchange or association to regulate short sales during temporary periods of unusual activity; and

(8) amend Securities Exchange Act Rule 10a–2 to broaden its provisions to encompass the lending of securities in certain circumstances by all broker-dealers rather than merely exchange members.

Text of Proposed Rule

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(b), 10(a) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending §§ 240.3b–3, 240.10a–1 and 240.10a–2 to read as follows:

§ 240.3b–3 Definition of "Short Sale."

The term "short sale" means any sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. For the purposes of this section, a person shall be deemed to own a security if (a) he or his agent has title to it; or (b) he has purchased, or has entered into an unconditional contract, binding on both parties thereto, to purchase it but has not yet received it; or (c) he owns a security convertible into or exchangeable for it and has tendered such security for conversion or exchange; or (d) he has an option to purchase or acquire it and

[8] Advisory Committee on a Central Market System, Interim Report to the Commission on Regulation Needed to Implement a Composite Transaction Reporting System, 3, 7 (Oct. 11, 1972).

[9] Id. at 3.

[10] Id. at 4.

[11] Id. at 5–6.

[12] The exemption considered by the Committee would have permitted short sales by a regional exchange specialist as a price equal to the last sale recorded in the composite transaction reporting system, if the order has been granted primary market protection.

[13] See Securities Exchange Act Release No. 1571 (Feb. 5, 1938). Cf., Securities Exchange Act Rule 10b–4(b), 17 CFR 240.10b–4(b).

[14] See policy question number 1.

has exercised such option; or (e) he has rights or warrants to subscribe to it and has exercised such rights or warrants: *Provided, however,* That a person shall be deemed to own securities only to the extent that he has a net long position in such securities.

§ 240.10a–1 Short sales.

(a) No person shall, for his own account or for the account of any other person, effect a short sale of any security registered on a national securities exchange, if trades in such security are included in reports of a composite transaction reporting system pursuant to § 240.17a–15, (1) below the price at which the last sale thereof, regular way, was reported in such composite transaction reporting system, or (2) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was reported in such composite transaction reporting system. No person shall, for his own account or for the account of any other person, effect on a national securities exchange a short sale of any security, if trades in such security are not included in reports of a composite transaction reporting system pursuant to § 240.17a–15, (1) below the price at which the last sale thereof, regular way, was effected on such exchange, or (2) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was effected on such exchange. In determining the price at which a short sale may be effected after a security goes ex-dividend, ex-right, or ex-any other distribution, all sale prices prior to the "ex" date may be reduced by the value of such distribution.

(b) No broker or dealer shall, by the use of any facility of a national securities exchange, or any means or instrumentality of interstate commerce, or of the mails, execute any sell order for a security registered on a national securities exchange unless such order is marked either "long" or "short".

(c) No broker or dealer shall mark any order to sell a security registered on a national securities exchange "long" unless (1) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (2) such broker or dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(d) The provisions of paragraph (a) of this section shall not apply to—

(1) Any sale by any person, for an account in which he has an interest, if such person owns the security sold and intends to deliver such security as soon as is possible without undue inconvenience or expense;

(2) Any broker or dealer in respect of a sale, for an account in which he has no interest, pursuant to an order to sell which is marked "long";

(3) Any sale by an odd-lot dealer or sale by a Qualified Third Market Maker in a security for which such market maker has filed a notice with the Commission on Form X–17A–16(1) (§ 249.631 of this chapter), to offset odd-lot orders of customers;

(4) Any sale by an odd-lot dealer or a sale by a Qualified Third Market Maker in a security for which such market maker has filed a notice with the Commission on Form X–17A–16(1) (§ 249.631 of this chapter), to liquidate a long position which is less than a round lot; *Provided,* Such sale does not change the position of such odd-lot dealer or such market maker by more than the unit of trading;

(5) Any sale of a security on a national securities exchange, if trades in such security are not included in reports of a composite transaction reporting system pursuant to § 240.17a–15, effected with the approval of such exchange which is necessary to equalize the price of such security thereon with the current price of such security on another national securities exchange which is the principal exchange market for such security;

(6) Any sale of a security for a special arbitrage account by a person who then owns another security by virtue of which he is, or presently will be, entitled to acquire an equivalent number of securities of the same class as the securities sold: *Provided,* Such sale, or the purchase which such sale offsets, is effected for the bona fide purpose of profiting from a current difference between the price of the security sold and the security owned and that such right of acquisition was originally attached to or represented by another security or was issued to all the holders of any class of securities of the issuer;

(7) Any sale of a security registered on a national securities exchange effected for a special international arbitrage account for the bona fide purpose of profiting from a current difference between the price of such security on a securities market not within or subject to the jurisdiction of the United States and on a securities market subject to the jurisdiction of the United States: *Provided,* The seller at the time of such sale knows or, by virtue of information currently received, has reasonable grounds to believe that an offer enabling him to cover such sale is then available to him in such foreign securities market and intends to accept such offer immediately;

(8) Any sale of a security registered on a national securities exchange effected in accordance with a special offering plan declared effective by the Commission pursuant to paragraph (d) of § 240.10b–2;

(9) Any sale made pursuant to a firm offer to sell securities, properly recorded and time-stamped prior to the reporting of a sale on a composite transaction reporting system pursuant to § 240.17a–15 at a price above that recorded offer, so long as a transaction pursuant to that offer would have been in compliance with paragraph (a) of this section when the offer was established and recorded;

(10) Any sale of a security registered on a national securities exchange effected in conformity with a plan submitted by a national securities exchange or association designed to regulate short sales during temporary periods of unusually high trading activity, or in other circumstances, if the Commission has declared such plan effective.

For the purposes of subparagraph (7) of this paragraph a depository receipt for a security shall be deemed to be the same security as the security represented by such receipt.

§ 240.10a–2 Requirements for covering purchases.

(a) No broker or dealer shall lend, or arrange for the loan of, any security registered on a national securities exchange for delivery to the broker for the purchaser after sale, or shall fail to deliver a security on the date delivery is due, if such broker or dealer knows or has reasonable grounds to believe that the sale was effected, or will be effected, pursuant to an order marked "long," unless such broker or dealer knows; or has been informed by the seller, (1) that the security sold has been forwarded to the account for which the sale was effected; or (2) that the seller owns the security sold, that it is then impracticable to deliver to such account the security owned and that he will deliver such security to such account as soon as is possible without undue inconvenience or expense.

(b) The provisions of paragraph (a) of this section shall not apply (1) to the lending of a security registered on a national securities exchange by a broker or dealer through the medium of a loan to another broker or dealer, or (2) to any loan, or arrangement for the loan, of any security, or to any failure to delivery any security if, prior to such loan, arrangement, or failure to delivery, a national securities exchange, in the case of a sale effected thereon, or a national securities association, in the case of a sale not effected on an exchange, finds (i) that such sale resulted from a mistake made in good faith, (ii) that due diligence was used to ascertain that the circumstances specified in subparagraph (1) of § 240.10a–1(c) existed or to obtain the information specified in subparagraph (2) of this paragraph, and (iii) either that the condition of the market at the time the mistake was discovered was such that undue hardship would result from covering the transaction by a "purchase for cash," or that the mistake was made by the seller's broker and the sale was at a price permissible for a short sale under section 10a–1(a).

The Commission believes that a comprehensive short selling rule to insure the proper functioning of a composite transaction reporting system is a matter of great significance to the national securities exchanges, the national securities associations, firms in the securities industry and to the investing public whose interest the Commission mandated to uphold. The Commission, therefore, is inviting all persons interestd in the future structure of the public securities markets to submit their views on the rule proposed herein and the additional policy questions. Interested persons are requested to submit comments in writing

to the Office of Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 no later than May 1, 1974. All comments should refer to File No. S7–515 and will be available for public inspection.

(Secs. 3(b), 10(a), 23(a), 48 Stat. 882, 891, 901; as amended 49 Stat. 704, 1379; 15 U.S.C. 78c(b), 78j(a), 78w(a))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 6, 1974.

[FR Doc.74–6492 Filed 3–20–74;8:45 am]

[17 CFR Part 249]

[Release No. 34–10678; File No. 57–519]

NONMEMBER (SECO) BROKER-DEALERS FOR FISCAL YEAR 1974

Proposal To Modify Initial Fees and To Set Annual Assessments

The Securities and Exchange Commission has announced a proposal to modify the fees and assessments payable to the Commission by registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. ("nonmember" or "SECO" broker-dealers).

Sections 15(b)(8) and 15(b)(9) of the Securities Exchange Act of 1934 ("the Act") authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to these sections of the Act the Commission has adopted Rule 15b9–1 (17 CFR 249.15b9–1) to establish initial entry fees for firms and Rule 15b9–2 (17 CFR 249.15b9–2) to provide for annual assessments. This proposal deals with the amendment of Form SECO–5 (17 CFR 249.505) under Rule 15b9–1, which sets initial fees for SECO broker-dealers, and the adoption of Form SECO–4–74 (17 CFR 249.504h) under Rule 15b9–2, which would establish the levels for annual nonmember firm assessments for the current fiscal year. The form (Form SECO–2), (17 CFR 249.502) setting initial fees payable on behalf of new associated persons would not be changed.[1]

In general, Form SECO–5, now provides for an initial levy payable by new SECO broker-dealers which is comprised of a base fee of $150. Form SECO–4–73, covering fiscal 1973, provided for an annual assessment payable by SECO broker-dealers comprised of: (1) A base fee of $175 applicable to all such brokers or dealers; and (2) a fee of $10 for each associated person engaged directly or indirectly in securities activities during the year on behalf of the broker-dealer.

Proposed initial fees for nonmember broker-dealers. Rule 15b9–1 provides that every broker or dealer who becomes registered with the Commission and who does not make a bona fide application for membership to a registered national securities association within 45 days of such registration shall, within such 45 day period, file Form SECO–5 and pay to the Commission the fee prescribed by the form. This fee, to be set forth on the proposed revised Form SECO–5, will be $500. This increase has been necessitated by the Commission's belief that a new broker-dealer should make a minimum financial commitment to engage in the securities business and that this Commitment should include an amount related to the approximate minimum cost (about $500) of processing his application for registration and his entry into the SECO program.[2]

Proposed annual assessments for fiscal year 1974. Each fiscal year the annual assessments is set forth on a Form SECO–4 for that particular year. This year's assessment, to be set forth on Form SECO–4–74, will include a base fee of $250 and a fee of $12 for each associated person. These increases have been necessitated by the increased costs to the Commission in administering the SECO program.

Text of proposed rule. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b) and 23(a) thereof, hereby proposes to amend Part 249 of Title 17 of the Code of Federal Regulations by adopting § 249.504(h) as follows:

§ 249.504h (Form SECO–4–74); 1974 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before June 1, 1974, pursuant to § 240.15b9–2 of this chapter accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1974, by every registered broker and dealer not a member of a registered national securities association.

The Commission proposes the foregoing to be effective June 1, 1974. All interested persons may submit their comments to the Commission at its office in Washington, D.C. 20549 no later than April 12, 1974. All comments should refer to File No. S7–519. Copies of the proposed form SECO–4 (17 CFR 249.504h) and Form SECO–5 (17 CFR 249.505) to be amended have been filed with the Office of the Federal Register, and additional copies are available on request from the Commission at the above address.

(Sec. 15(b), 48 Stat. 895, as amended 78 Stat. 565 (15 U.S.C. 78o); sec. 23(a) 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8 (15 U.S.C. 78w))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 13, 1974.

[FR Doc.74–6490 Filed 3–20–74;8:45 am]

[1] The initial fee required to be paid by a SECO broker-dealer on behalf of each associated person is $35.

[2] See also Rule 15c3–1(a)(1)–(4) under the Act with respect to minimum capital requirements of broker-dealers.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Prohibited Uses of Fund

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958 (SBI Act), Pub. L. 85–699, 27 Stat. 694, as amended, it is proposed to revise, as set forth below, section 1001(d), Part 107 of Chapter I, Title 13 of the Code of Federal Regulations (Revised at 38 FR 30836, November 7, 1973).

Prior to the final adoption of such revision, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Investment Division, Small Business Administration (SBA), Washington, D.C. 20416, on or before April 10, 1974.

Information. Revised § 107.1001(d) would alter policy to permit gambling income of less than one-third of a concern's gross income from the sale of official State lottery tickets or from gaming activities in those States wherein such activities are legal.

It is proposed that Part 107 be amended to read as follows:

§ 107.1001 Prohibited uses of funds.

* * * * *

(d) *Public interest.* For purposes contrary to the public interest including but not limited to gambling activities to the extent that any part of the annual gross income (including rental income) of the small concern (or of any of its principal owners) is derived from gambling activities except in those cases where an otherwise eligible small concern obtains less than one-third of its annual gross income (either at financing inception or during financing term) from (1) its income or commission from the sale of official State lottery tickets under a State license, or (2) from gaming activities in those States where such activities are legal within the State.

Dated: March 13, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–6489 Filed 3–20–74;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 STATE

[Public Notice CM-122]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 28, 1974, at 10:00 a.m. in Room A-110, Federal Communications Commission Annex, 1229 20th Street, NW., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting on March 28 will be to review the results of the international meeting of Study Group 8 (February 1974) and establish a program of work for the next interim period.

Members of the general public who desire to attend the meeting on March 28 will be admitted up to the limits of the capacity of the meeting room.

Dated: March 12, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.74-6474 Filed 3-20-74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ER 1105-2-507]

ENVIRONMENTAL IMPACT STATEMENTS

Policy, Practice, and Procedure

On November 15, 1973, the Department of the Army, acting through the Chief of Engineers, published proposed regulations to supersede regulations published in 38 FR 9242 (April 12, 1973). These proposed revisions to these existing regulations prescribe the policy, practice and procedure to be followed by all Corps of Engineers Installations in connection with the preparation and coordination of environmental impact statements.

The Department of the Army, acting through the Chief of Engineers, is publishing herewith its final revised regulations for the preparation and coordination of environmental impact statements. This regulation is effective April 15, 1974.

The public comment period for this regulation expired on December 31, 1973. This final regulation has been revised based on comments received. The following analysis summarizes comments received on the cited paragraphs of the proposed regulations and presents a rationale for the changes made. Sources of comments are referenced by the numeral in parentheses.

(1) Environmental Protection Agency
(2) Environmental Defense Fund
(3) Massachusetts Audubon Society
(4) National Newspaper Association

Paragraph 2.

Comment. References to the NEPA program within the Corps in paragraphs 9 and 14 are not consistent with that noted in paragraph 2. (3)

References in paragraphs 9 and 14 have been revised to be consistent with the reference in paragraph 2. It should be noted that this regulation applies only to Civil Works activities of the Corps of Engineers. The effect of NEPA on Corps of Engineers military activities is covered by Department of Defense Directives and Department of the Army regulations.

Paragraph 3.

Comment. Add Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," and "Federal Insecticide, Fungicide, and Rodenticide Act," as references to regulation. (1)

This office does not agree. The Corps does and must comply with the legal requirements of the two environmental directives cited as well as many others. There is little point in enumerating all the many Federal and State laws now in force or which may later be enacted.

Paragraph 4a.

Comment. Paragraph 4 contains language that misstates the nature and extent of the substantive obligations created and imposed by the statute. (3)

Paragraphs 4a and 4a(2) have been revised.

Comment. Include a policy directive to the effect that "no action" be the first alternative considered. (1)

Although this point is covered in Appendix C, the words "including the initial no action alternative" have been added to paragraph 4a(2).

Comment. Reference should be made to the EPA policy of protecting the Nation's wetlands. (1)

The Corps recent regulation on wetlands which discusses the coordination between the Corps and EPA on wetlands has been added as a reference.

Paragraph 4b(2).

Comment. A higher level of review of the District Engineers "negative assessments" should be made. (2)

The District Engineer is recognized as the responsible Federal official for this purpose within the meaning of section 102(2)(C) of NEPA.

Comment. The criteria and methods presently being used by the Corps in making negative assessments should be discussed. (3)

In accordance with § 1500.6(c) of CEQ guidelines, paragraph 5 of the regulation identifies specific actions likely to require an environmental statement and paragraph 8 identifies those actions specifically excluded from the administrative requirement for the preparation of environmental statements. Paragraph 4b(2) provides guidance on other minor actions likely not to require environmental statements. A report on the progress made in developing supplemental instructions on criteria and methods to be used in identifying actions which may or may not require an environmental statement will be provided to CEQ by 30 June 1974.

Comment. A time frame of at least 15 days be specified between notice of a "negative declaration" and initiation of administrative action and that this time frame be specified in 11c(2)(b) for actions on "negative declarations" involving EPA. (1)

The 15 days time frame for actions involving EPA has been added to 11c(2)(b).

Paragraph 5.

Comment. Emergency projects involving major stream channelization should be added to this section unless already included. (1)

Major stream channelization is included in subparagraphs c, d and e of paragraph 5. However, paragraph 8 delineates specific emergency actions exempt from the requirement for an environmental statement.

Paragraph 5(1)(a).

Comment. Composite statements shall be required not only when several projects "are closely associated geographically and involve similar environmental impacts," but also "because of its interdependence of natural ecosystems." (2)

Paragraph 5f(2) has been revised to insert the requested reference to the interdependence of natural ecosystems.

Paragraphs 5f and 5g.

Comment. These sections should be revised to reference the requirement of coordination of negative declarations with EPA as shown in 11c(2)(b). (1)

The reference regarding EPA coordination in paragraph 11c(2)(b) has been cross-referenced in paragraphs 5f and 5g.

Paragraph 5g(3).

Comment. Subparagraph should be rephrased to make clear that the District

Engineer should not "believe that granting the permit may be warranted" without first assessing the environmental impact. (2)

The text has been revised to clarify the point that an environmental assessment by the District Engineer is necessary prior to preparation of the environmental statement. Paragraph 16e (4) makes clear that the permit will not be issued for 30 days after the final environmental statement has been filed with CEQ and noticed in the FEDERAL REGISTER or date of delivery to the post office for mailing of the final environmental statement by the District Engineer whichever is later.

Paragraph 5g(5).

Comment. If an "umbrella statement" does not necessarily adequately cover each individual action, a supplementary statement may be needed. (1)

A sentence has been added to clarify this point.

Paragraph 5g(6).

Comment. Delete 5(g)(6) in which the Corps restricts its own NEPA duties on permit actions involving fixed structures or artificial islands on offshore lands under mineral lease from the Department of the Interior. (3)

By Act of Congress (43 U.S.C. 1333(f) the jurisdiction of the Secretary of the Army is extended to these artificial islands or structures outside the three-mile limit only for the purpose of preventing obstructions to navigation or for national security reasons. The Departments of Army and Interior have agreed that Interior is the "lead agency" for the environmental statement. This position has been sustained in the courts.

Paragraph 6a.

Comment. In addition to dredging, disposal of dredged and fill material is also an O&M action which, once taken, precludes adoption of alternative plans. (1)

The text has been revised.

Paragraph 6d.

Comment. Negative assessments on permit applications should be included in the 3-year schedules and submitted to CEQ. (2)(3)

Since most of the 8 to 10,000 annual permit applications are of a minor nature, i.e., single piling, small private dock construction or restoration, etc., and have little or no impact on the quality of the environment, more than a statistical listing in the 3-year schedule is unnecessary. Permit applications will receive appropriate public notice within the affected area.

Paragraph 7.

Comment. This section does not appear to account for revision of "negative declarations" which later prove to be erroneous due to the discovery of major environmental impact. (2)

Paragraph 7 deals only with cases when an environmental statement has been filed, not with cases of negative assessments. Paragraph 4b(2) on negative assessments covers the reversibility of negative assessments.

Comment. The 90 day and 30 day waiting periods should be observed for all revisions and supplements. (3)

This office does not agree. The 1 August 1973 CEQ guidelines do not require such for revisions or supplements after initial filing of a draft and final environmental statement. Subparagraphs a, b and c were revised in consultation with CEQ and are considered adequate. However, minor rewording has been added.

Paragraph 8.

Comment. A "program" statement should be made to cover procedures used by the Corps for emergency and disaster recovery actions (actions are excluded from the requirements of environmental statements). (1)

Since the Corps actions in question consist of a wide range of activities it is infeasible to discuss procedures used on all of these activities.

Comment. Add "and extensive stream channelization is involved" at the end of the sentence in paragraph 8c. (1)

This office does not agree since no extensive stream channelization is accomplished under this statute.

Comment. Excluding emergency and disaster recovery actions and certain land acquisition cases from NEPA is beyond CEQ guidelines. (3)

The courts have held that CEQ guidelines are not mandatory requirements for agencies. Paragraph 8 excludes emergency or hardship actions that do not permit delays necessary to process environmental statements. The paragraph has been revised to clarify this.

Paragraph 9.

Comment. "Water resources development" as a modifier of "activities" should be deleted to insure that no misunderstanding develops regarding the need for environmental impact statements on Corps activities. (1)

The first sentence has been changed accordingly.

Comment. Change the second sentence from "it should reflect accurately the detailed appraisals * * *" to "it should present accurately the detailed appraisals * * *". (3)

Sentence has been changed.

Paragraph 9c.

Comment. Reword paragraph to insure that environmental investigations are carried on simultaneously and in an interdisciplinary fashion to the same depth and scope as related engineering, economic and technical studies. (2)

Text has been changed.

Paragraph 9d.

Comment. Add at the end: "which are summarized and should indicate how such information may be obtained, in the case of documents not likely to be easily accessible." (3)

Paragraph has been changed.

Paragraph 9g(1) and (2).

Comment. Suggest minor editorial changes. (1)(2)(3)

Changes were made.

Comment. Suggest rewording: "Use objective analysis. Use general costs comparisons rather than detailed cost breakdowns to illustrate quantifiable environmental, economical or social tradeoffs necessary to achieve objectives. Although every effort should be made to obtain quantifiable values for environmental, economic or social tradeoffs, the nature and extent of non-quantifiable tradeoffs should be described and included in the analysis." See Appendix C, paragraph 4c(1).

Changed accordingly.

Comment. Suggest new subparagraph. "A list of agencies, groups, and individuals from whom comments have been requested or have been received is to be included in the draft and final environmental impact statements." (3)

Paragraph 14 amended.

Paragraph 9g(4).

Comment. In addition to a summarization of comments received, the actual comments should be appended to the final EIS. (2)

A cross-reference to Appendix C, paragraph 4k(4) has been added to address this point.

Paragraph 9g(5).

Comment. The Federal Water Pollution Control Act Amendments should be used as an example in this section. (1)

The paragraph has been changed accordingly.

Paragraph 9g(6).

Comment. Coordination with the EPA, especially with regard to Section 102(b) of the FWPCAA, should be included in the draft EIS. (1)

The paragraph has been changed accordingly.

Paragraph 11.

Comment. Suggest first sentence, "on review of draft environmental statements" be expanded to read "on review of draft, final, revised or supplemental environmental statements." (3)

A cross-reference to paragraph 7 has been added to cover this point.

Paragraph 11b.

Comment. Request clarification of this paragraph. (2)(3)

This has been done by adding a cross-reference to section 1500.11(e) of CEQ guidelines (39 FR 20556).

Comment. Suggest adding a sentence: "This section shall not shorten the normal period for comments of organized conservation and environmental groups, and other public groups or citizens known to be interested." (3)

This office does not agree. Section 1500.11(e) of CEQ guidelines (38 FR 20556) authorizes a shorter period in some circumstances.

Paragraph 12a.

Comment. Include list of Federal and State agencies which receive copies of each draft statement. (1)

A list is maintained in each District. A reference to the list has been inserted in paragraph 14 to clarify this point.

Paragraph 12f.

Comment. Object to the phrase, "* * * and organizations representing a legitimate public interest * * * and respond to reasonable and responsible request from the general public." (3)

Paragraph wording has been modified and a cross-reference to paragraph 14 mailing list has been inserted.

Paragraph 13c.

Comment. Modify to reflect pesticide use requirement. (1)

The paragraph has been modified accordingly.

Paragraph 15c.

Comment. Add a new subparagraph. (3) "Letters of transmittal sending out draft environmental statements will indicate that copies of the SOF are available for review in the office of the responsible District Engineers."

This office does not agree. In the Corps decision making process the SOF is not drafted until all comments on the draft environmental statement have been analyzed and balanced against the economic and social benefits of the project. The SOF is prepared in final form at the time the final environmental statement is published and is bound into the final environmental statement behind the front cover. See paragraph 15.

Paragraph 14.

Comment. Suggest specific provision should be made for express public notice of all meetings and workshops, whether or not included in ER 1105–2–502. (2) (4)

Addition made to paragraph 14.

Paragraph 16b(2).

Comment. The last sentence appears to be in conflict with paragraph 9b. (1)

There is no conflict. All environmental statements will be reviewed by District Counsel. However, counsel at higher echelons (Divisions and OCE) will only review environmental statements in cases of litigation or controversy.

Paragraph 16e (2) and (3).

Comment. Recommend making the draft environmental statement available to the public at least 30 days prior to the public meeting held in connection with the project. (2)

This office does not agree. To give more than the 15 day period in § 1500.7d(2) of CEQ guidelines (38 FR 20553) would be contrary to the total public interest in certain cases. For example, in the case of permit application pertaining to the production of energy, a delay in processing may involve a loss to the applicant and ultimately to the consumer of millions of dollars.

Appendix C, paragraph 4e.

Comment. Recommend inclusion of two recent Public Laws administered by NOAA concerning wetlands preservation and water resource conservation as a specific reference. (2)

This office does not agree. On the contrary, we have deleted the two statutes cited; there is little point in enumerating the many Federal and State laws now in force or which may later be enacted.

Appendix C, paragraph 4d.

Comment. Existing water supplies, water quality, air quality and present methods of waste disposal should be discussed in this section. (1)

Inserted in first sentence.

Appendix C, paragraph 4f.

Comment. Reference should be made to the effects of the proposed project on the water quality of both surface waters and ground water. (1)

The paragraph has been revised to cover water, land and air.

Appendix C, paragraph 4h.

Comment. Add a statement that explicitly states that land acquisition or other land use controls in the flood plain be considered as an alternative in flood control projects. (1)

The paragraph has been revised to include these items.

DEPARTMENT OF THE ARMY

Office of the Chief of Engineers
Washington, D.C. 20314

PLANNING, PREPARATION AND COORDINATION OF ENVIRONMENTAL STATEMENTS [1]

Table of Contents

1. *Purpose.* This regulation provides guidance for preparation and coordination of Environmental Statements as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190), the Council on Environmental Quality Guidelines for Statements on Proposed Federal Actions Affecting the Environment, dated 1 August 1973 and section 122 of the River and Harbor Act of 1970 (Pub. L. 91–611), which is covered in separate guidelines.

2. *Applicability.* This regulation applies to all elements of the Corps of Engineers with responsibilities for planning, design, construction, management, and regulation of civil works activities and is applicable to pre-authorization and post-authorization project activities.

3. *References:*

a. ER 1165–2–500, "Environmental Guidelines for the Civil Works Program of the Corps of Engineers."

b. National Environmental Policy Act of 1969 (Pub. L. 91–190; 83 Stat. 852; (42 U.S.C. 4331 et seq.)) hereinafter referred to as NEPA.

c. Executive Order 11514, "Protection and Enhancement of Environmental Quality," 5 March 1970 (35 FR 4247, March 7, 1970) (attached as Appendix A).

d. Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ) (38 FR 20550, August 1, 1973) (attached as Appendix B).

e. Section 309 of the Clean Air Amendments of 1970 (Pub. L. 91–604; 84 Stat. 1709; (42 U.S.C. 1857h–7)).

f. Freedom of Information Act (Pub. L. 89–487; 81 Stat. 54; (5 U.S.C. 552)) hereinafter referred to as Freedom of Information Act.

g. Section 122 of the River and Harbor Act of 1970 (Pub. L. 91–611; 84 Stat. 1823) hereinafter referred to as section 122, 1970 R&HA.

[1] This regulation supersedes ER 1105–2–507, February 16, 1973.

[2] Filed as part of the original document.

h. ER 1105–2–502, "Public Meetings."
i. ER 1105–2–11, "Preservation, Restoration and Administration of Historic and Cultural Environment."
j. ER 1105–2–12, "Archeological Investigations and Salvage Activities."
k. ER 1105–2–105, "Guidelines for Assessment of Social, Economic, and Environmental Effects."
(l) Fish and Wildlife Coordination Act of 1958 (Pub. L. 85–624; 72 Stat. 563; (16 U.S.C. 661 et seq.)).
m. Federal Water Pollution Act Amendments of 1972 (Pub. L. 92–500; 86 Stat. 816; (33 U.S.C. 1151 et seq.)).
n. ER 1105–2–129, "Preservation and Enhancement of Fish and Wildlife Resources."
o. Endangered Species Act of 1973 (Pub. L. 93–205; 87 Stat. 884).
p. ER 1105–2–509, "Statement of Findings."
q. ER 1145–2–303, "Permits for Activities in Navigable Waters or Ocean Waters," (33 CFR Part 209.120) (38 FR 12217, 10 May 1973).

4. *Policy.*

a. *General.* From the initiation of preauthorization planning through postauthorization planning and design, construction, and operation and management, all Corps of Engineers actions will be evaluated in terms of their impact on the environment within this overall policy. NEPA mandates a view of traditional policies and missions in light of NEPA's national environmental policy which requires all Federal agencies and officials to use all practicable means and measures to enhance, preserve and protect the quality of the environment to the fullest extent possible.

(1) Early and continuing coordination will be undertaken so as to develop a full interchange of views between the Corps of Engineers officials and appropriate local, State, and Federal agencies and the interested public. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in Appendix II of CEQ's guidelines (38 FR 20557).

(2) The District Engineer will develop, analyze, study and utilize or adopt all practicable means and measures, including the "no-action" alternative and other alternatives to the proposed action, which will enhance, protect and preserve the quality of the environment, restoring environmental quality previously lost, minimizing and mitigating unavoidable adverse effects; and analyze and study the environment together with engineering, economic, social and other considerations to insure balanced decision making in the total public interest.

(3) During Corps of Engineers project planning and the related decision making process, a systematic and interdisciplinary approach will be utilized to insure proper weighing and balancing of environmental effects together with the engineering, economic, and social and other considerations affecting the total public interest. Sections 102(2) (A) and (B) of NEPA and Section 122, 1970 R&HA.

b. *Preparation of the Environmental Statements.*

(1) Environmental statements are required by section 102(2)(C) of NEPA. They will constitute an integral part of the interdisciplinary plan formulation process and will serve as a summation and evaluation of the effects, both beneficial and adverse, that each alternative action would have on the environment and as an explanation and objective evaluation of the finally recommended plan.

(2) Should the District Engineer determine in assessing the impact of a minor action that an environmental statement is not required, the determination to that effect will be placed in the project file. This determination shall be made available to the public upon request and shall include a statement of the facts and the signer's basis and reasons for his decision. It will be signed by the District Engineer or higher commander and brought to the attention of the public by publication in the three-year schedule (par. 6). Where more timely notification is essential, public notices may also be used. A minor action is defined as one which, following the completion of an environmental assessment, is determined not to have a significant impact on the quality of the human environment. If the District or Division Engineer is in doubt as to whether or not a statement should be prepared, further guidance must be requested in accordance with 4d. These determinations are reversible should controversy or other later events require an environmental statement to be written.

(3) Prior to forwarding, environmental statements will be carefully reviewed by District and Division Engineers to insure that the statement fully complies with the requirements of this regulation and the references cited herein.

c. *Systematic Review.* NEPA requires an environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. To support the spirit of NEPA fully, a systematic review of all Corps of Engineers actions will be conducted and environmental statements prepared in accordance with paragraph 4b.

d. *Further Policy Guidance.* If after taking all measures within his authority, the District or Division Engineer need further assistance in satisfying the requirements of paragraph 4b, he will report the matter to HQDA (DAEN–CWZ–P) WASH DC 20314, and request the necessary authority or guidance.

5. *Specific Actions Requiring Environmental Statements.* Listed below are types of Corps of Engineers actions that require the preparation of an environmental statement by reporting officers. For actions not identified in this paragraph, reporting officers should request further guidance from HQDA (DAEN–CWZ–P) WASH DC 20314. Environmental statements will be revised or supplemented in accordance with paragraph 7.

a. *Legislation.* Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects (survey, review, and authorization reports) and other legislation, exclusive of appropriations.

b. *Proposals Under Continuing Authorities.* Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army under special authorities, including reports recommending approval of projects under the following special continuing authorities:

(1) Section 205, 1948 FCA, as amended (Pub. L. 87–874; 62 Stat. 1182; (33 U.S.C. 701s)).

(2) Section 107, 1960 R&HA, as amended (Pub. L. 87–645; 74 Stat. 486; (33 U.S.C. 577)).

(3) Section 103, 1962 R&HA, as amended (Pub. L. 87–874; 76 Stat. 1178; (33 U.S.C. 577)).

(4) Section 2, 1937 FCA, as amended by Section 208, 1954 FCA (Pub. L. 208, 75th Congress; 68 Stat. 1266; (33 U.S.C. 701g)).

(5) Section 3, 1945 R&HA (Pub. L. 14, 79th Congress; 59 Stat. 23 (33 U.S.C. 603a)).

(6) 1909 R&HA, as amended (Pub. L. 317, 60th Congress; 35 Stat. 818; (33 U.S.C. 5)).

(7) Section 111, 1968 R&HA (Pub. L. 90–483; 82 Stat. 735 (33 U.S.C. 426i)).

c. *Construction or Land Acquisition Not Started.* Initiation of construction or land acquisition on projects (unless exempt under provisions of paragraph 4b(2)) not yet started but for which funds have been appropriated or are provided by the current FY Appropriation Act.

d. *Requests for Initiation of Construction or Land Acquisition.* Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

e. *Continuing Construction or Land Acquisition.* Environmental statements for projects in continuing construction or land acquisition status will be submitted in accordance with the criteria and the schedule established in compliance with paragraph 6. The project will be covered in one comprehensive environmental statement, even if a portion or feature is funded separately. If the project is to be constructed and operated as part of a basin plan or a system of other projects, the environmental effects of the overall plan or system should be covered in reasonable depth.

f. *Operation, Maintenance, and Management.*

(1) Pursuant to the requirements of NEPA. District Engineers are to make an environmental assessment of all projects in an operation and maintenance status. If the assessment indicates that the effects of the individual O&M projects are too insignificant to warrant preparation of a statement he will prepare a written finding to that effect in accordance with the procedures in paragraph 4b(2). See paragraph 11c(2)(b)

for EPA Coordination. If the assessment indicates a statement is needed such statement should be prepared.

(a) Composite statements grouping several projects under a single statement may be prepared when projects serve the same general purpose, are closely associated geographically or because of the interdependence of natural ecosystems and involve similar environmental impacts. The composite statement should address the cumulative environmental impacts of the projects as a group rather than on an individual basis. Such grouping of similar projects will be confined to projects in a single class category such as Channel and Harbor, or Lock and Dam, or Flood Control Reservoirs, etc. For example; several small boat harbors along an intercoastal waterway, or several flood control reservoirs which are operated under a network plan, or several harbors either for recreation or commercial purposes in a specific geographical area, could be appropriately covered by a composite statement.

(b) Separate statements for a project should be prepared where the operation and maintenance activities are unique or where known substantial environmental conflicts presently exist or can reasonably be expected to exist.

(2) Certain administrative actions regarding utilization of project resources such as leases, permits, easements and licenses, may lead to signficant effects on the enviromnent and therefore would require separate consideration. These actions will have been included in general terms under the overall project statement; however, separate environmental statements would still be required for those specific actions that are determined by the District Engineer to significantly affect the quality of the environment or to significantly affect future land or resource use.

(3) Exceptions:

(a) Completed projects turned over to local interests for operation and maintenance.

(b) Projects where only infrequent periodic maintenance is performed. Statements may be deferred until funds for maintenance are requested.

g. *Regulatory Permits.*

(1) Subject to the guidance contained in the regulations on policies and procedures for regulatory permits, an assessment of the impact of a proposed activity on all aspects of the quality of the environment is required. That assessment will include consideration of environmental information provided by the applicant, all advice received from Federal, State and local agencies, and comments from the public.

(2) When the District Engineer determines after evaluating the environmental assessment that an environmental statement need not be prepared for the proposed activity, he will follow the procedure outlined in paragraph 4b(2). See paragraph 11c(2)(b) for EPA coordination. If a public meeting is to be held in such cases, a summary of environmental considerations will be included with the announcement of the public meeting.

(3) If, after an environmental assessment, the District Engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental statement which shall be noted on the three-year schedule pursuant to paragraph 6.

(4) If another Federal agency is the lead agency as defined by § 1500.7(b) of the CEQ guidelines (38 FR 20553), the District Engineer will coordinate with that agency to insure that the resulting environmental statement adequately describes the impact of the activity which is subject to Corps permit authority.

(5) If the proposed activity is part of a continuing program of similar activities in an area for which an overall environmental statement has been filed with CEQ ("umbrella statement"), that "umbrella statement" will be used in the evaluation of the environmental impact of the proposed activity. However, separate supplementary environmental statements may be needed to adequately cover subsequent permit actions.

(6) If the proposed activity involves fixed structures or artificial islands on the outer continental shelf lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, the District Engineer's decision to issue a Corps of Engineers permit will be based on an evaluation of the impact of the proposed activity on navigation and national security only. An environmental statement by the Corps of Engineers is not required in such cases, and inquiries concerning environmental consideration will be referred to the Department of the Interior.

h. *Non-Federal Participation in Authorized Project.* When a non-Federal agency cooperates with the Corps of Engineers by construction or other participation, a final environmental statement will be prepared by the District Engineer and filed with CEQ prior to advertisement of the work. The non-Federal agency may furnish environmental data; however, the District Engineer will be responsible for independent verification and use of the data and for the environmental statement.

i. *Disposal of Lands for Port and Industrial Uses.* For disposal of surplus project lands for development of port and industrial facilities pursuant to section 108 of River and Harbor Act of 1960 (Pub. L. 86–645; 74 Stat. 487; (33 U.S.C. 578)), the District Engineer will prepare an environmental statement and process it with the proposed action to higher authority.

j. *Research and Development.* Procedures for the development of periodic evaluations and the determination as to whether an environmental statement is required on Civil Works research and development programs, in accordance with § 1500.6(d)(2) of CEQ guidelines (38 FR 20552) will be included in ER 70–2–3. "Civil Works Research and Development Management System."

6. *Three Year Schedule of Submission of Environmental Impact Statements (Reports Control Symbol DAEN–CWO–43).* Each District will develop by the end of each fiscal year, and updated quarterly, a schedule which develops for the following three years the environmental statements to be prepared or revised on projects in Survey, Continuing Authorities, AE&D, Construction, O&M, Permits and Research and Development Status. All schedules and quarterly updates will be submitted in ten copies within 15 days of preparation to HQDA (DAEN–CWO–C) WASH DC 20314. HQDA will provide a copy of this schedule to CEQ at this time. Appendix E contains the format for the schedule.

a. Priority effort will be assigned to Continuing Construction projects for which an environmental statement has not been filed with CEQ and Operation and Maintenance projects having a significant impact on the environment or those O&M actions such as dredging operations and dredge disposal which, once taken, preclude adoption of alternative plans.

b. In so far as practicable the schedule should consider the priorities expressed by appropriate agencies, groups and individuals on the project mailing list. The schedule is to be available to the public upon request.

c. Where a composite environmental statement is prepared for a group of O&M projects the listing on the schedule should include the names of all the projects included in the statement.

d. Where the District Engineer's environmental assessment of a proposed project indicates that an environmental statement is not required, such action and the negative assessment will be noted in the three-year schedule and in the annual budget request. Permit applications for which negative assessments have been made need not be included in the three-year schedule. However, permit negative assessments will be widely distributed via public notice and mailing list and will conform to requirements in paragraph 4b(2). The mailing list will include all agencies, groups or individuals, who have ever expressed an interest in the project.

7. *Revising or Supplementing Statements.* Whenever necessary, an appropriate revision or supplement to a final environmental statement on file with CEQ shall be prepared by the District Engineer. The extent of the revision and further coordination with other agencies, groups and individuals on the project mailing list will be based on para 14 and the following:

a. If the final environmental statement previously filed clearly failed to comply with the requirements of NEPA: e.g. failed to discuss alternatives or failed to disclose the environmental impacts of the proposed action, or if there has been a major change in the plan of development or method of operation of the proposed action, a revised environmental statement (draft and final) must be prepared and filed with CEQ. The 90 and 30 day waiting periods of CEQ guidelines § 1500.11(b) (38 FR 20556) will apply.

Revised draft and final environmental statements will be circulated in accordance with paragraph 12d.

b. Whenever the final environmental statement on file becomes deficient because certain environmental effects of the project were not discussed or design features or project purposes were modified significantly subsequent to the filing of the original environmental statement, an appropriate supplement to the final statement shall be prepared. The supplement will be prepared in the draft and final format with a 45-day review and comment period allowed after publication by CEQ in the FEDERAL REGISTER for the draft. The 90 and 30 day waiting periods outlined in § 1500.11 (b) of CEQ guidelines (38 FR 20556) are not applicable. The draft supplement will be circulated to agencies, groups and individuals on the project mailing list. Both the draft and final supplement will be filed with CEQ and noted in a separate category in CEQ's weekly listing in the FEDERAL REGISTER. Reporting officers will furnish five copies of all draft supplements directly to CEQ (See Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (as appropriate) WASH DC 20314 and five for the Division Engineer). Twenty copies of the final supplement will be transmitted to higher authority (15 for OCE and five for the Division Engineer) for processing to CEQ. OCE will notify Division and District Engineers of any revisions made in the final supplement by the Chief of Engineers or the Secretary of the Army in advance of CEQ's notice in the FEDERAL REGISTER. This will allow the District Engineer time to make necessary revisions and have sufficient copies of the final supplement available for timely distribution to agencies, groups and individuals on the project mailing list.

c. Whenever it is necessary only to clarify or amplify a point of concern raised after the final environmental statement was filed with CEQ (and such point of concern was considered in making the initial decision) or if comments on the final environmental statement are received from Federal, State or local governmental agencies or the public, the clarification, amplication or response to the comments received shall be prepared and filed with CEQ. No waiting periods are required. Reporting officers will provide 20 copies of the above cited information to higher authority (15 for OCE and five for Division Engineers) for processing to CEQ.

8. *Specific Actions Excluded from Statements.* Specifically excluded from the administrative requirement for the preparation of an environmental statement are the following emergency or hardship actions which do not permit delays necessary to process environmental statements.

a. Emergency and disaster recovery actions performed under Public Law 99, 84th Congress, 69 Stat. 186, 33 U.S.C. 701n, except that for major post-flood restoration or rehabilitation actions, an environmental assessment will be undertaken to determie the environmental consequences of the proposed action. If any formal negative assessments are completed on these actions during the previous three-month period, they will be shown on the next quarterly submission of the three-year schedule. See Appendix E;

b. Emergency Bank Protection for Highways, Highway Bridge Approaches and Public Works, Section 14, FCA of 1946, 60 Stat. 653, 33 U.S.C. 701r;

c. Emergency snagging and clearing accomplished under Section 3, R&HA of 1945, as amended, 59 Stat. 23, U.S.C. 603a; except where disposal of sedimentation and dredged materials are involved;

d. Emergency actions directed by the Federal Disaster Assistance Administration (FDAA) under the provisions of Public Law 91-606, 84 Stat. 1744, except where FDAA determines that an environmental statement is required, the District Engineer will provide all necessary information to FDAA upon request;

e. In hardship cases, acquisition of land with appropriations made for the Land Acquisition Fund, initially established by Congress in connection with the passage of the Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriations Act, 1971 (Pub. L. 91-439).

9. *Considerations in Preparing a Statement.* The environmental statement is to fully discuss the primary and secondary environmental effects including the social and economic impacts of all Corps of Engineers civil works activities. It should summarize accurately the detailed appraisals and analyses of Federal and State agencies with jurisdiction by law or special expertise with respect to environmental impacts and the concerns, views and comments expressed by conservation and environmental action groups and the public and the author's evaluation thereof. These agencies and their relevant areas of expertise are listed in Appendix II of CEQ guidelines.

a. Environmental statements are public documents and may receive broad exposure in the news media and intense public scrutiny.

b. They should be prepared in coordination with and be reviewed by District Council.

c. Interdisciplinary environmental investigations leading to the preparation of environmental statements should be undertaken simultaneously with and to the same depth and scope as study or project related engineering, economic and technical studies.

d. The environmental statement will bring together and summarize the various findings of other documents with respect to environmental considerations. It will summarize information and cite sources of overall appraisals and responsible judgments of complex environmental matters and inter-relationships (e.g., water quality by EPA, fish and wildlife resources by the Bureau of Sport Fisheries and Wildlife or other authoritative sources). It should make appropriate reference to those documents which are summarized and should indicate how such information may be obtained, in the case of documents not easily accessible.

e. Where another agency is directly involved with the Corps in an action or group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to the designation of a lead agency to assume responsibility for the preparation of a single environmental statement to cover all of the Federal actions involved. Section 1500.7(b) of CEQ guidelines (38 FR 20553) provides further guidance on this and multi-agency actions.

f. The environmental statement shall be considered as an integral part of the Corps planning process and is only one of the documents upon which a decision on a major Federal action is based. It must be written so as to substantively stand on its own and will be submitted as a separate document for review by the public and other governmental agencies.

g. Environmental statements will be based on CEQ "Guidelines" Appendix B; the guidance of Appendix C, and the following:

(1) Describe the proposed action concisely using simple terms. Describe the environmental impacts and effects sufficiently to provide a careful assessment, evaluation, and independent appraisal of the favorable and adverse environmental, social and economic primary and secondary effects of the recommended proposal and each considered alternative. This discussion will include the impacts associated with O&M requirements during the life of the project. In no case will possible adverse effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, avoid overstating either favorable or unfavorable effects.

(2) Discuss significant relationships between the proposed project and other existing, proposed and anticipated developments either public or private which may be affected by the project. This should include a discussion of the geographical setting of the area with and without the project; land usage including approved Federal, State and local land use plans, policies and controls; general trends including population and economic growth characteristics and projections and cumulative impacts induced by the project and the significance of the regional, national and international impact of the project, as applicable, supported by information indicating the relative scarcity or abundance of the environmental resources in question and other regional, national and international factors.

(3) Use objective analysis. Use general costs comparisons rather than detailed cost breakdowns to illustrate quantifiable environmental, economic or social tradeoffs necessary to achieve objectives. Al-

though every effort should be made to obtain quantifiable values for environmental, economic or social tradeoffs, the nature and extent of nonquantifiable tradeoffs should be described and included in the analyses.

(4) Comments received in response to the draft environmental statement are to be included in the final environmental statement. See Appendix C, paragraph 4k(4). Comments can be summarized by topic with appropriate responses. All comments received must be given full consideration and analysis. Irreconcilable opposing views must be included in the final environmental statement and fully discussed.

(5) Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with Wild and Scenic Rivers, Wilderness Areas, National Recreation Areas, National Parks, National Forests, Registered Historic Sites, Federal Water Pollution Control Act Amendments, etc.

(6) The draft environmental statement should discuss coordination activities with the Bureau of Sport Fisheries and Wildlife and the agencies administering the fish and wildlife resources of the concerned state or states in accordance with section 2(a) of the Fish and Wildlife Coordination Act of 1958 (reference 3m). It should include appropriate references to reports or documents prepared by these agencies and discussed in the statement and how such information may be obtained. Coordination activities with the National Marine Fisheries Service on proposed actions in the coastal zones should also be discussed. A statement concerning the effect or impact of the proposed action on threatened, rare and endangered species of fish and wildlife should be provided (reference 3.0. and Appendix G). Coordination with EPA, especially comments received under paragraph 11c(2) will be discussed.

(7) Include information indicating that the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project, or a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665; 80 Stat. 915; 16 U.S.C. 470f) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the FEDERAL REGISTER of 25 January 1974 and subsequent issues (reference 3i).

(8) The environmental statement should include a discussion of Steps taken to comply with sections 2(b) and 1(3) of Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971 (see ER 1105–2–11 and ER 1105–2–12).

(9) Pertinent correspondence inclosed with the environmental statement should include a written request to the Department of the Interior for investigations of historical, archeological and paleontological resources and contact with the State Archeologist and the Historic Preservation officer of the State regarding the effect of the proposed action upon these resources within the project area. In addition to necessary coordination with these State officials prior to preparation of the environmental statement, a copy of the draft environmental statement should in all cases be provided them and the Advisory Council on Historic Preservation for review and comment. In the event the Department of the Interior advises in writing that it is unable to provide timely information on historical, archeological and paleontological resources for inclusion in environmental statements, District Engineers may contract with outside experts to provide limited, reconnaissance-level information. The scope and monetary limitation of these outside contracts has been provided by other guidance.

10. *The Annual Budget.* The time requirements for the filing of final environmental statements, prepared and coordinated in accordance with section 102(2)(C) of NEPA, have been established with a view to meeting, to the maximum extent, the requirements specified by the Council on Environmental Quality. Section 1500.12(b) of the CEQ guidelines. (38 FR 20556)

a. *Requests for Initiation of Construction and Land Acquisition.* For budget recommendations in this category, final environmental statements must have been filed with the CEQ prior to 1 September of the calendar year in which the budget recommendation is being submitted by Division and District Engineers. However, for non-controversial projects the draft environmental statement must be filed with CEQ by 1 September and the final environmental statement submitted to OCE by 1 November.

b. *Requests for Continuing Construction or Land Acquisition and Operation and Maintenance Activities.* Environmental statements on projects in these categories shall be submitted in accordance with the three-year schedule required by paragraph 6.

c. *Expression of Capability for Initiation of Construction.* Prior to the expression of any construction or land acquisition only capability on a project, a final environmental statement should be on file with the CEQ. For projects for which a draft environmental statement has been filed with CEQ and for which there is a firm schedule for filing the final environmental statement by the second quarter of the budget fiscal year, a qualified capability may be expressed subject to the actual filing of the final environmental statement.

d. *Listings.* The annual budget recommendations of Division Engineers will provide a listing of projects recommended in each budget category indicating the time of actual or scheduled submission of the final environmental statements to the CEQ.

11. *Coordination.* Use existing coordination procedures to obtain the views of agencies, groups and individuals on the project mailing list on review of draft environmental statements. For recirculation of revisions or supplements see paragraph 7. If the project is in litigation, furnish the draft or final environmental statements to all the litigants.

a. *Time Limits.* Reporting Officers should establish a time limit of not less than 45 days for reply after date of publication of Draft environmental statement by CEQ in the FEDERAL REGISTER. In the absence of a specific request for an extension of time, a lack of response may be presumed to indicate that the agency consulted has no comment to make. In unusually large and complex actions consideration should be given to a reply period longer than 45 days to allow agencies, groups and the public adequate time to review and comment on the draft environmental statement. No administrative action will be taken regarding the proposal sooner than 90 days after a draft environmental statement has been filed with CEQ and notice in the FEDERAL REGISTER, or sooner than 30 days after the final environmental statement has been made available to CEQ and the public and noticed in the FEDERAL REGISTER. The 30-day period required for public review of final environmental statements before administrative action can be taken commences on date that notice of final environmental statement is published in FEDERAL REGISTER *or* on date of delivery to post office for mailing of copies of final environmental statements to agencies, groups and individuals on the project mailing list whichever is later. Administrative actions are defined for this purpose to include initial land acquisition, advertising of the initial construction contract, and regulatory permit approval.

b. *Expedited Filing.* In certain exceptional cases where the work must be performed within critical time restraints, but does not fall within the emergency actions listed in paragraph 8, an expedited filing process may be recommended in accordance with § 1500.11(e) of CEQ guidelines (38 FR 20556). In such cases, Reporting Officers will provide all information and facts to HQDA (DAEN–CWZ–P) WASH DC 20314, and request the necessary authority and guidance. At the same time, the Reporting Officer should initiate informal coordination with the appropriate Federal, State, and local agencies to insure prompt review of the environmental statement.

c. *Federal Agencies.*

(1) Use Appendix B, CEQ "Guidelines," (38 FR 20557) to determine the Federal agencies with jurisdiction by law or special expertise to whom the draft environmental statement is to be sent for comment on the environmental impacts. See Appendix F for special coordination requirements of individual Federal agencies. Draft environmental statements on Civil Works projects to be forwarded to other headquarters elements within the Department of Defense will be submitted to OCE for necessary coordination.

(2) Section 1500.9(b) of CEQ "Guidelines" (38 FR 20555) require in addition

to normal coordination procedures, the following coordination with the Environmental Protection Agency (EPA):

(a) Comments of the Administrator or his designated representative will accompany each final environmental statement on matters related to air or water quality, noise control, solid waste disposal, pesticides, radiation criteria and standards, or other provisions of the authority of EPA.

(b) Copies of basic proposals (studies, proposed legislation rules, leases, permits, etc.) will be furnished to EPA with each environmental statement. For actions for which environmental statements are not being prepared but which involve the authority of EPA, EPA will be informed that no environmental statement will be prepared and that comments are requested on the proposal within 15 days.

d. *State and Local Agencies.* Coordination of the environmental statement with State and local agencies authorized to develop and enforce environmental standards may be obtained directly with the agencies and with the appropriate State, regional, or metropolitan clearinghouses unless the Governor has designated some other source for obtaining this review. For additional guidance, see ER 1120–2–112, "Coordination of Investigations and Reports with Clearinghouses."

12. *Availability of Statements.* Draft and final environmental statements, revisions and supplements, including comments received during review, will be made available to the public in accordance with paragraph 14 of this regulation, Section 2(b) of Executive Order 11514, "Protection and Enhancement of Environmental Quality" and § 1500.9, .10, and .11 of the CEQ "Guidelines" (38 FR 20554) as follows:

a. *Draft Environmental Statements.* The District Engineer will furnish copies of draft environmental statements to agencies, groups and individuals on the project mailing list and in addition will furnish copies in response to requests from the public and will furnish public information file copies to the Division office and the appropriate State, regional and metropolitan clearinghouses. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE.

b. *Final Environmental Statements.* At the same time as the final environmental statement is filed with CEQ, the District Engineer will furnish copies to agencies, groups and individuals on the project mailing list including those contacted during departmental review of Survey Reports. This is to enable the agency and public an opportunity to comment on the final environmental statement to CEQ and/or the Corps if they so desire, within the 30 day period as noted in paragraph 11a prior to the administrative actions being taken. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution.

c. *Comments of Other Agencies.* In response to specific requests from the general public, District Engineers will make available the comments received from other agencies on the draft statement prior to the availability of the final environmental statement. Such release of comments will be in accordance with the provisions of the Freedom of Information Act.

d. *Number of Copies.* In order to comply with § 1500.11(a) CEQ "Guidelines," (38 FR 20555) reporting officers will furnish five copies of all draft, revised draft, and draft supplemental environmental statements directly to CEQ and provide 10 copies to higher authority (five for OCE and five for Division Engineers) at the time coordination with agencies, groups and individuals on the project mailing list is initiated. Twenty copies of the final, revised final, and final supplemental environmental statement will be transmitted to higher authority (15 for OCE and five for Division Engineers) for further processing to CEQ. Each planning report submitted should be accompanied by an environmental statement.

e. *Public Review.* News releases concerning draft and final environmental statements, revisions and supplements by District Engineers will be given as wide a coverage as deemed sufficient to accomplish the purpose of this directive and the intent of § 1500.9(d) of the CEQ "Guidelines" (38 FR 20555). When significant environmental impacts or public concern have become apparent subsequent to the last public meeting, reporting officers will determine whether a public meeting should be held prior to or during coordination of the statement.

f. *Public Availability.* District Engineers will prepare sufficient copies of draft and final environmental statements, revisions and supplements to cover all agencies, groups and individuals on the project mailing list. See paragraph 14. In accordance with 31 U.S.C. 483, 5 U.S.C. 552, and § 1500.11(d) of CEQ "Guidelines," (38 FR 20556) charges to cover reproduction costs may be assessed generally in accordance with the following:

(1) Where cost of reproduction is insignificant compared to collection and accounting costs, draft and final statements will be furnished without charge in single copies to individuals requesting copies. For multiple copy requests, reproduction costs will be recouped from the requestor.

(2) For large environmental statements and where substantial reproduction costs are incurred, individuals requesting copies should be advised that copies are available from the District Engineer at the cost of reproduction and also advised of the nearest point at which copy is available for public inspection. They should also be advised of the availability (at cost) of the Statement from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

13. *Relationship to Project Planning, Construction and Operation.*

a. *Project Planning.* In the formulation of new project proposals, environmental considerations will be integrated into the planning process from the beginning. Preliminary identification of possible environmental impacts and effects of the project and of all alternatives considered will be made and discussed fully at early stages in the study. Consultation and coordination with all agencies, groups and individuals on the project mailing list (see paragraph 14) will be accomplished at the earliest practicable time in the planning process and will continue throughout the life of the project. Reporting officers will insure that such consultation has been sufficient to identify all significant impacts prior to forwarding of environmental statements to higher authority.

(1) *Section 122, Effect Assessment.* Effect assessment procedures in response to Section 122, 1970 R&HA are contained in ER 1105–2–105. All significant adverse effects (including environmental) of proposed Corps actions are identified and evaluated and the feasibility and cost of eliminating or minimizing such adverse effects are considered fully in the planning and decision-making process. The effect assessment procedure, particularly the study of the environmental effects of various project alternatives, will provide a valuable source of information for the Environmental Impact Statement.

b. *Authorized Projects.* On projects that were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the opportunity to study and evaluate a full range of alternatives may be more limited. However, to the extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, restoration, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate, in coordination with appropriate Federal, State, and local agencies and the public, the environmental impact of all reasonable alternatives prior to preparing a recommendation or an environmental statement.

c. *Operation, Maintenance, and Management.* In the development of plans for operation, maintenance, and management activities, consider all significant effects on the environment and comply with all legal requirements. Such considerations differ from those for a project in planning status and discussion should address only the environmental effects of the operation of the project and on-going O&M programs. Include alternative uses of available resources when the proposed O&M activity will change the quality of the environment, modify the beneficial uses of the environment, or serve some purposes to the disadvantage of other environmental goals. Typi-

cal examples of these activities which could have an impact on the environment are as follows:

(1) Disposal of dredged material in wetlands or marshlands.

(2) Disposal of polluted dredged material in unconfined or open water areas.

(3) Debris collection and disposal activities.

(4) Resource management programs involving the cutting, sale and/or disposal of forest resources; extensive plant disease eradication; predator or vector control; and aquatic plant control.

(5) Reservoir regulation in which some environmental benefits must be sacrificed for other environmental benefits or economic considerations, e.g., drawdown to provide water for power and for downstream water quality control.

(6) Leases, licenses, rights-of-way, administrative permits, and other actions involving use by others of project resources, if impact is significant and not otherwise covered in another environmental statement.

(7) Redesignation of project land under management by the Corps from scenic buffer or "green belt," undeveloped natural area, or wild life management area to more intensive type of public use or some other type of use.

d. *Regulatory Permits.* In evaluating permit applications, the District Engineer will carefully evaluate the effect on the environment of the proposed action considering environmental information provided by the applicant, all advice received from Federal, State and local agencies and comments of the public. Where the environmental effect is believed to be significant, an environmental statement will be prepared, except when an "umbrella statement" has been filed with the CEQ (paragraph 5g above.)

14. *Public Participation.* Public participation will be planned and incorporated into the conduct of all Corps of Engineers civil works activities and must be viewed as an integral part of the planning and administrative process. Public participation is a continuous two-way communication process which involves keeping the public fully informed on the status and progress of studies and findings of plan formulation and evaluation activities; actively soliciting from all agencies groups and individuals on the project mailing list their opinions and perceptions of objectives and needs; and determining public preferences regarding resources use and alternative development or management strategies plus any other information and assistance relevant to plan formulation and evaluation. Each District maintains a list of agencies, groups, and individuals who have requested they be listed for the project in question or from whom comments have been requested or received at any stage in the planning of the project and in the preparation and coordination of the draft and final environmental statements. This list will be kept current and all revisions and supplements to the environmental statements required to be recirculated for public comment will be sent to all those listed. All those listed will be notified of all meetings, workshops and public hearings held in connection with the project. Drafts of: (1) Environmental statements (2) revisions and (3) supplements should be made available to the public at least 15 days before any public meeting or hearing.

a. *Pre-authorization Project Studies.* Public meetings, informal meetings and workshops within the project area and the use of news media are means to develop free-flowing dialogue to assist in the identification of the environmental concerns and develop appropriate measures within the proposed plan to mitigate, eliminate, or reduce environmental impact. Unresolved environmental conflicts must be clearly set forth with a full and complete discussion of both sides of the issue.

b. *Post-authorization Project Studies.* Public meetings as specified in ER 1105–2–502 will be held during post-authorization planning studies to insure that views of interested parties will be considered in the development of the plan and that all interested parties will be kept informed of study progress. Full coordination with agencies groups and individuals on the project mailing list will be maintained during post-authorization planning. A public meeting should be held in special situations such as unusual interest or controversy, unusual time lapse or significant changes in the authorized project or environmental effects where either the public or the Corps, or both, would benefit by the exchange of views and information.

15. *Statement of Findings.* A Statement of Findings (SOF) ER 1105–2–509, will accompany final environmental statements. The SOF for regulatory permits will be filed with CEQ when a decision on the permit application has been made.

a. On continuing construction and operation and maintenance projects, an SOF will accompany the final environmental statement after the agency and public review comments on the draft environmental statement have been considered and the final environmental statement is forwarded to the Division Engineer. The SOF will be signed at each level of review (i.e. District, Division, and OCE) as the final environmental statement progresses, indicating concurrences or changes, and the original copy will be returned to the reporting officer for his action file when the final environmental statement is filed with CEQ.

b. In the case of survey reports, an extracted SOF will accompany the revised draft environmental statement when the District Engineer transmits the survey report to the Division Engineer for further review and processing by Federal agencies at Washington level. The extracted SOF will be signed at each level of review (i.e. District, Division, and OCE), indicating changes or concurrences, and furnished to CEQ by the Secretary of the Army with the final environmental statement. A SOF is not required for unfavorable survey reports.

16. *Processing.* Environmental Statements will be prepared by the officer initially preparing the recommendation or report (normally the District Engineer). The initiating officer is recognized as the responsible Federal official within the meaning of section 102(2)(c) of NEPA except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the Chief of Engineers and the Secretary of the Army. Agency comments and the views expressed should be directed at the environmental impacts and should be no older than 12 months for new proposals nor older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes of fact have occurred in the period since filing that affect the proposal, the action being initiated, or the associated environment.

a. *Survey Reports.*

(1) A written summary of environmental considerations in the project area will be prepared and presented at the Checkpoint I Conference. This summary will be based on information developed in a project-related environmental inventory.

(2) The summary of environmental considerations which includes an analysis of probably environmental effects of the considered project alternatives will be presented at each public meeting in a degree of detail commensurate with that in which the engineering, economic or other aspects of alternatives are discussed.

(3) During the formulation stage public meeting, all anticipated environmental impacts and effects of each potentially feasible solution under active consideration will be identified and discussed. Environmental data obtained from effect assessment procedures, as required by section 122, 1970 R&HA, will provide useful data for evaluating various project alternatives. A Summary of Environmental Considerations will be attached or inclosed to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting.

(4) A draft environmental statement will be prepared and circulated for review and comment at least 15 days before late stage meetings. The draft environmental statement will present and discuss the anticipated environmental effects of the plan which may be recommended by the District Engineer along with the probably environmental impacts of the alternative plans considered in the study. The statement will also reflect the information and data inputs provided by the coordination accomplished during the study with various Federal, State and local agencies.

(5) The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of advance drafts of the Corps basic decision document—the survey report—to concerned Federal and state agencies for review and comment prior to the late stage meeting. The plan formulation section of the advance draft

survey report will be as complete as possible. It will include appropriate discussions of project alternatives and tentative selection of the plan that the District Engineer considers to provide the best balanced solution which he may ultimately recommend. This review of the project decision document will constitute formal project review at this stage of the planning process; it will also permit the agencies to provide more substantive comments on the draft environmental statement. If the proposed plan subsequently should be modified in response to the comments received, changes will be noted by the District Engineer in later versions of the survey report and will be discussed in revised draft environmental statements.

(6) At the same time, District Engineers will circulate draft environmental statements for formal review and comment to other agencies, groups and individuals on the project mailing list. Letters of transmittal sending out draft environmental statements will indicate that copies of the advance drafts of the Corps basic decision document (the survey report) are available for review in the office of the responsible District Engineers. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five to HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). The date published by CEQ in the FEDERAL REGISTER of the draft environmental statement starts the official agency review period. At the same time of the circulation of the draft environmental statement, the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(7) If the District Engineer desires, he may circulate the draft environmental statement with the announcement of the Late Stage Public Meeting provided a minimum of 15 days is allowed for review and comment between the date of Public availability of the statement and the date of public meeting. In view of the extensive mailing list used in circulating the announcement, the District Engineer need provide draft environmental statements only to those agencies, groups, and individuals on the project mailing list. In either case, however, a Summary of Environmental Considerations will be attached to the announcement of the Public Meeting. The announcement will also include a specific reference indicating that the draft environmental statement is in process to or on file with CEQ and that copies are available for public review and comment upon request from the District Engineer and will also be available at the public meeting.

(8) When the District Engineer completes his report, he will finalize his recommended plan of improvement and prepare an appropriately updated and revised draft environmental statement. All comments received will be attached as Appendix A and summarized in Paragraph 9—Coordination With Others. Numerous repetitive comments received from the public should be noted with an appropriate summarization of the issues and Corps response, including a typical letter with a list of names of those submitting similar letters. Paragraph 9 should also discuss the environmental issues raised at the public meeting not included as part of the written comments in Appendix A. The District Engineer will transmit the report, the revised draft environmental statement and an extracted SOF to the Division Engineer for further review and processing to BERH and OCE. The Division Engineer will review and comment on the revised draft environmental statement when he transmits his report to the Board of Engineers for Rivers and Harbors (BERH). Interested parties also will have an opportunity to comment on the report and the environmental statement subsequent to the Division Engineer's notice when the report and environmental statement are with BERH for review.

(9) BERH and OCE will review the revised draft environmental statement at the same time it reviews the project report. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views upon environmental issues. If extensive revisions are required as a result of BERH or OCE review, the revised draft environmental statement will be returned to the reporting officers for revision and resubmission to BERH or OCE as appropriate.

(10) The revised draft environmental statement will be circulated for review and comment with the survey report to the concerned State or States and Federal agencies at the Washington level in accordance with established procedures. The revised draft environmental statement, the proposed report of the Chief of Engineers, the report of BERH and supplemental economic data will be furnished CEQ by OCE at this time. Copies of the revised draft environmental statement will be provided Division and District Engineers. District Engineers will transmit public information file copies to the appropriate State, regional and metropolitan clearinghouses and to those agencies, groups and individuals on the project mailing list not contacted by OCE.

(11) Upon completion of Departmental review, all letters and comments received on the revised draft environmental statement will be sent to the District Engineer for preparation on the final environmental statement. The District Engineer will prepare appropriate responses, make necessary revisions to the main text due to comments received and forward (through Division) 25 copies to OCE. It will accompany the Chief's final report on the project to Office, Secretary of Army (OSA). All letters received in OCE during Department review will be furnished BERH or MRC for staff review as considered appropriate. Formal BERH or MRC reconsideration of its previous recommendations will only be accomplished in those instances when the Chief of Engineers determines that new information obtained is of such significance as to warrant reconsideration by the full Board or Commission.

(12) When OSA transmits the final report to Congress, it will also transmit the final environmental statement to CEQ. At the same time OCE will notify Division and District Engineers of the transmittal to allow for timely distribution of the final statement to agencies, groups and individuals on the project mailing list. OCE Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ, is available for review at the Office of the Chief of Engineers and that single copies may be obtained from the District Engineer.

b. *Special Projects and Continuing Authorities.* All required consultation with Federal, State and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) A draft environmental statement will be prepared and circulated for review and comment before preparation of the final report and recommendations. The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of the draft DPR to concerned Federal and state agencies for their review and comment. This review of the project decision document with the draft environmental impact statement will permit agencies to provide more substantive comments and will constitute their formal review. If the proposed plan of improvement should be significantly modified as a result of the comments received, additional coordination of the report and environmental statement will be necessary before the District Engineer completes the DPR and final environmental statement. At the same time, District Engineers will circulate draft environmental statements for review and comment to other agencies, groups and individuals on the project mailing list. When there is a late stage public meeting, this draft environmental statement will be made available to the public at least 15 days before the meeting. Letters transmitting the draft environmental statement will indicate that a copy of the draft Corps decision document, the DPR, is available for review in the office of the responsible District Engineer.

(2) Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). Three copies of the draft report should accompany the draft environmen-

tal statement when sent forward, to higher authority. The date of publication by CEQ in the FEDERAL REGISTER starts the official agency review period and the 90-day period before the administrative action of project approval can be taken. At the same time the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. The District Engineer may circulate the draft environmental statement with the announcement of the late stage public meeting as discussed in paragraph 16a(6) above. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt and evaluation of agency review comments, comments of the interested public and information obtained at the public meeting the District Engineer will prepare the final environmental statement and complete the project report. The report together with twenty copies of the final environmental statement will be transmitted to higher authority (15 for HQDA (DAEN–CWP–E, –C, or –W) WASH DC 20314 and five for the Division Engineer) for further processing.

(4) The Division Engineer will review the project formulation and technical aspects of the project report and the adequacy to the final environmental statement. Upon completion of Division office review, the project report and accompanying statement will be transmitted to OCE for further processing.

(5) OCE will review the project report and final environmental statement for policy and procedure. OCE or OSA will furnish the final environmental statement to CEQ, as appropriate. The 30-day period required for review of final environmental statements before administrative action can be taken commences as noted in paragraph 11a. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available for the District Engineer. District Engineers will furnish, in a timely manner, copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as provide information copies to the appropriate State, regional and metropolitan clearinghouses.

(6) OCE will provide the Division Engineers with notification of project approval and Chief of Engineers authorization to proceed with project work.

c. *Authorized Projects Not Started.* It is contemplated that all required consultation with Federal, State and local agencies and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers. See paragraph 14 on Public Participation for guidance on holding public meetings in connection with preparation of statements for authorized projects. Any unsolicited comments received directly by OCE will be furnished to the District Engineer with appropriate instructions.

(1) Prior to submittal of the Phase I General Design Memorandum (ER 1110–2–1150, "Post-Authorization Studies"), the District Engineer will review the environmental statement that was filed with CEQ when the project was authorized, or prepare one if none has been prepared. If the Phase I review indicates that the environmental effects of the project as proposed have not changed significantly from the authorized project, and were adequately and fully covered in the statement, no changes to the statement will be required. This will be noted in the Phase I GDM with a statement that a revised or supplemented statement will not be required. However, if the review indicates that there are changes in the project which would significantly affect the quality of the environment, or if the environmental effects of the project were not adequately covered in the statement, a new environmental statement (draft and final) must be prepared, with the final environmental statement to accompany the Phase I GDM. See paragraph 7 for procedure for revising or supplementing the final environmental statements. The physical changes in the project and/or changed environmental effects will be briefly discussed in Phase I GDM including a statement that a revised environmental statement or supplement will be prepared. For projects for which environmental statements are required (paragraph 5, Agency Actions Requiring Statements) and for which the GDM has been previously submitted, environmental statements will be prepared as soon as possible.

(2) The draft environmental statement will be prepared and circulated for review and comment before preparation of the final Phase I GDM. The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of the draft plan formulation memorandum (Phase I GDM) to concerned Federal and state agencies for their review and comment. This review of the draft Phase I GDM along with the draft environmental impact statement will allow agencies to provide more substantive comments and will constitute their formal review. If the proposed project should be significantly modified as a result of the comments received, additional coordination of the Phase I GDM and draft environmental statement will be necessary before the District Engineer completes the Phase I GDM and final environmental statement. The draft environmental statement will be circulated at the same time by the District for review and comment to other agencies, groups and individuals on the project mailing list. When there is a late stage public meeting held in connection with the Phase I study, the draft environmental statement will be made available to the public at least 15 days before the meeting. The letter transmitting the draft environmental statement will indicate that an advance copy of the draft Phase I GDM is available for review in the office of the responsible District Engineer. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five to HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). Three copies of the draft Phase I GDM should accompany the draft environmental statement when sent forward to higher authority. Date of publication of the draft environmental statement in the Federal Register by CEQ starts the official agency review period and the 90-day period before administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. Numerous repetitive comments may be summarized in the comment and response section of the statement and a typical letter with a list of names of individuals submitting similar letters attached. Twenty copies of the final environmental statement will be transmitted to higher authority (15 for HQDA (DAEN–CWP–E, –C or –W) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ.

(4) The Division Engineer will transmit 15 copies of the final environmental statement along with his review comments when he transmits the Phase I, GDM (if appropriate) to OCE.

(5) OCE will revise the final environmental statement where appropriate. Office, Secretary of the Army will review and furnish the final environmental statement to the CEQ. CEQ will notice it in the FEDERAL REGISTER. The 30-day period for review of the final EIS before administrative action can be taken commences as noted in paragraph 11a. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer.

(6) Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribu-

tion to agencies, groups and individuals on the project mailing list.

d. *Continuing Construction and Operation and Maintenance.* It is contemplated that all required consultation with Federal, State and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) Paragraphs 5e, 5f, and 6 establish the requirements for preparation of environmental statements regarding Continuing Construction and Operation and Maintenance.

(2) Procedure for the initial submission will be the same as described in c(2) through (6) above except there will be no BERH consideration on any project in continuing construction or O&M status.

(3) For completed projects in operation where a final environmental statement has previously been filed, review will be scheduled in accordance with paragraph 6. Where this review indicates no new information or considerations affecting the previous decision on the plan of operation and no changes are found to be required in the environmental statement, the SOF shall be properly annotated by the District Engineer and concurred in by the Division Engineer. However, if significant changes in the method of operation are planned or have occurred since the statement was filed, the extent of the revision and further coordination of the environmental statement shall be in accordance with paragraph 7.

e. *Regulatory Permit Applications.* For permit actions on which environmental statements are required by paragraph 5g the preparation and coordination of an environmental statement will be accomplished at field level. In such cases the following actions shall be taken:

(1) The District Engineer will require the applicant to furnish information and an analysis of the environmental impacts of the proposed action. The District Engineer will advise the applicant that the applicant will not be allowed to undertake any work on the proposal for which the permit application is pending.

(2) The draft environmental statement will be circulated by the District for formal review and comment to agencies, groups and individuals on the project mailing list. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWO–N) WASH, D.C. 20314 and five for the Division Engineer). Notice of the draft environmental statement in the FEDERAL REGISTER by CEQ starts the official, agency review period and the 90-day period before the administrative action can be taken. The District Engineer may circulate the draft environmental statement with the announcement of the public meeting as discussed in paragraph 16a(4) above. At the same time the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE. If a Public Meeting is to be held, the draft environmental statement will be filed with CEQ at least 15 days prior to the meeting. A summary of environmental considerations will be included in the announcement of public meeting.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. The final environmental statement will become a part of the official file on the permit. Twenty copies of the final statement will be transmitted to higher authority (15 for HQDA (DAEN–CWO–N) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ. If a public hearing is to be held, the proposed final environmental statement must be completed and made available to the public at least 15 days prior to the hearing.

(4) Final action to issue the permit will not be taken until after the time limits for filing and distribution of the final environmental statement have been met as noted in paragraph 11a. If, however, at any time prior to the formal transmittal to CEQ, it is determined that the permit will be denied, the official so determining will inform higher authority and CEQ of the denial and that a final environmental statement will not be filed.

(5) Revisions by higher authority to the final statement will be furnished to the District Engineer as soon as possible, who in a timely manner, will distribute copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as to appropriate State, regional and metropolitan clearing-houses. The District Public Affairs Office will prepare and issue a news release announcing the filing of the final environmental statement with CEQ and advising the public that single copies are available from the District Engineer.

f. *Disposal of Land for Port and Industrial Uses.* When the District Engineer determines that disposal of surplus project property for development of public port or industrial facilities is in the public interest, he will prepare an environmental statement to accompany his report and recommendation. It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) The District Engineer will prepare a draft environmental statement utilizing information obtained from appropriate Federal, State, and local agencies and applicant. A public meeting may be used to obtain information and views from the interested public. The statement will set forth, among other things, what the applicant intends to develop on the property and the possible uses to be made of it. It will also summarize all constraints which will be placed on the new owner, such as reversionary clause, uses, needs for permits for structures or discharges into navigable waters.

(2) The draft environmental statement will be circulated by the District for formal review and comment to agencies, groups and individuals on the project mailing list and in response to requests from the general public at least 15 days before the public meeting, if one is held in connection with proposed action. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWO–M) WASH, D.C. 20314 and five for the Division Engineer). Notice of the draft environmental statement in the FEDERAL REGISTER by CEQ starts the official agency review period and the 90-day period before the administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(3) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Twenty copies of the final environmental statement together with the District Engineer's report and recommendations, as required by ER 405–1–909, will be transmitted to higher authority for further action.

(4) If higher authority decision is favorable to the request for disposal of project lands, the Office, Secretary of the Army will furnish the final environmental statement to the CEQ and will wait until the time limits noted in paragraph 11a. have been satisfied prior to the issuance of the Public Notice of Disposal as required by paragraph 32.c(2) of ER 405–1–909. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with the CEQ and that single copies are available from the District Engineer.

(5) If higher authority decision is unfavorable to the request, the CEQ will be informed of the denial and that a final environmental statement will not be filed.

(6) Copies of the final environmental statement with all revisions clearly identified will be furnished the Division and District Engineers. District Engineers will furnish copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as provide information copies to the appropriate State,

regional, and metropolitan clearinghouses.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers.

APPENDIX C

PREPARATION OF ENVIRONMENTAL STATEMENTS

APRIL 15, 1974.

1. *General.* Preparation of environmental statements will be based on considerations discussed in the CEQ Guidelines, guidelines for assessment of social, economic and environmental effects for civil works projects (section 122, 1970 R&HA) and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing the statements. These statements have several levels of importance with reference to the decision-making process, Corps relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the Corps insight into the particular trade-offs and commitments associated with the action and will be summarized in the SOF. The general public, environmental action groups, trade and special interest associations, governmental agencies, and Congressional Committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how the agency views environmental factors and seeks to accommodate them. Since the statements will be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. *Effect Assessment.* In accordance with the requirements of Section 122, 1970 R&HA, final guidelines for the assessment of economic, social and environmental effects of civil works projects have been promulgated. They will be applied in reports on projects authorized under continuing authorities, in survey reports, in General Design Memoranda of all projects authorized in the River and Harbor and Flood Control Act of 1970 and in subsequent Congressional authorizations if not already applied in the survey report. Since the effect assessment procedures generally follow the same procedures as used in preparing the environmental assessment as required by NEPA, the completed effect assessment for environmental effects should be used as input for the environmental impact statement. Although section 122 specifically mentions 17 effects, additional significant environmental effects or impacts may also require identification and evaluation before the "best" alternative plan of development is selected.

3. *Format.* Environmental statements will constitute a document separate from other Corps papers and consist of the cover sheet, summary sheet, table of contents, body of the statement, letters of coordination, bibliography, plates or maps, technical appendices as required (e.g. glossary of terms, inventories of terrestrial and aquatic flora and fauna, water quality, etc.) and attached economic data. All information will be typed single spaced on both sides of the page including Appendices. Letters received will also be printed on both sides of the page. Each paragraph in each section of the body of the statement will be numbered for ease of reference. For example, the first paragraph in Section 1 will be numbered 1.01, the second 1.02, etc. Also, all pages must be numbered including letters of comments received which are attached to the statement. Pages in the main text will be numbered consecutively. Pages in the Appendices will be numbered consecutively preceded by the Appendix symbol, e.g. A–1, A–2; B–1, B–2, etc. Pages C–10 through C–15 are samples of the format for the cover and summary sheet to be followed in preparing environmental statements on all Corps proposals except survey reports. Pages C–16 through C–23 are samples of the format to be followed in preparing environmental statements on survey reports. Page C–24 provides additional processing instructions. Pages C–25 through C–30 are samples of the format to be followed in preparing transmittal letters to CEQ. Appendix G of this Regulation provides guidance in the preparation of inventories of terrestrial and aquatic flora and fauna. For the dates required in item 6 of the summary sheet, use the following: Draft statements use date of transmittal letter to CEQ, final statements use date of OSA or OCE letter to CEQ, as appropriate. Minimum periods for review and comment and administrative waiting shall be in accordance with paragraph 11a.

4. *Content of Statement.*

a. The body of the environmental statement will contain nine separate sections. These sections are: (1) Project description, (2) Environmental setting without the project, (3) Relationship of the proposed action to land use plans, (4) Probable impact of the proposed action on the environment, (5) Any probably adverse environmental effects which cannot be avoided, (6) Alternatives to the proposed action, (7) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, (8) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented and (9) Coordination and Comment and Response.

b. Each section should be of sufficient length and detail to adequately identify and develop the required information. Avoid the use of scientific jargon and technical terms. Language used should be clear and easily understood by non-specialists in the water resources field who must make decisions or form opinion on the merits of the proposed action. Provide a non-technical glossary of terms if technical terms are needed to discuss detailed data in the statement. Statements should indicate the underlying studies, reports, and other information obtained and considered in preparing the statement. The use of footnotes are acceptable provided the statement text remains essentially understandable to a reader without the need for obtaining specific reference material. Any attached bibliography will indicate the sources of all information based on other documents and how these documents may be obtained. A one page map (8 x 10½) of the project area should be included. Fold out maps and plates should not be used. Artist's sketches and selected photos may be incorporated, if they will be particularly helpful in describing the environmental setting or environmental impacts. Voluminous back-up data or technical appendices provided with the draft environmental statement need not accompany the final environmental statement provided no changes were made in the appendices. This information will be noted in the summary of the final environmental statement and in the transmittal letter to CEQ.

c. *Project Description.* Describe the proposed action by name, specific location, project dimensions and purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the purpose of the project, what the plan of improvement entails, and how the plan would operate. It is most important that a clear work picture be presented. For reservoirs give pool storage and surface areas for all projects purposes, miles of shoreline, miles of streams inundated, total acres of project facilities, e.g., dam, spillway, recreation area, public-use areas, public access sites, mitigation lands or measures, etc., and how the project would be operated. For other proposed actions, a complete description of all structures, project dimensions and purposes, and activities included within the project should be discussed. The inter-relationship and compatibility of the project with existing or proposed Corps or other agency projects must be discussed.

(1) Corps project decision documents consist of survey, small project, and general design memorandum reports. The environmental statement is essentially a summary of the environmental portions of these reports. As a convenience for those interested parties who normally do not have immediate access to these decision documents, limited economic data consisting of total project cost, itemized average annual benefits, average annual charges and the benefits to cost ratio will be attached to draft and final environmental statements. Summary economic information will indicate the extent to which non-quantifiable environmental benefits and costs have not been reflected in benefit to cost determination. Economic data attached to draft and final environmental statements will include the statement in bold type at the top "ECONOMIC DATA, EXTRACTED FROM U.S. ARMY CORPS OF ENGINEERS (SURVEY REPORT/GENERAL DESIGN MEMORANDUM/SMALL PROJECT REPORT) (LOCATION). COMPLETE DOCUMENT IS AVAILABLE AT U.S. ARMY ENGINEER DISTRICT (LOCATION)." A discussion of project effects on the economy, including employment, unemployment, and other economic impacts will be included in the Statement of Findings.

(2) Discussion of fish and wildlife mitigation benefits and costs, which may include unquantifiable environmental effects considered in the proposed action, should also be discussed with appropriate references to the underlying reports from which the data was obtained and the rationale for selection of the mitigation plan.

d. *Environmental Setting Without the Project.* Describe the area, the present level of economic development, existing land and water uses, existing water supplies and water quality, air quality, present methods of waste disposal, and other environmental determinants. Discuss in detail the environmental setting of the immediate project area with appropriate reference and discussion of important regional aspects critical to the assessment of environmental impacts. Include appropriate information on topography, vegetation, animal life, historical, archeological, geological features, and social and cultural habits and customs. Discuss population trends and trends of agriculture and industry and describe what the future environmental setting is likely to be in the absence of the proposed project. In discussing population aspects, consideration should be given to using the rate of growth in the region contained in the projection compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture called "OBERS." In any case, the source of popula-

tion data used should be identified. It is possible and often desirable to treat the project setting in relation to river basins, watersheds or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by any agency or organization.

e. *Relationship of the Proposed Action to Land Use Plans.* Discuss how the proposed project or action conforms or conflicts with the objectives and specific terms of existing or proposed Federal, State, and local land use plans, policies and controls, if any, for the area affected. If a conflict should occur, the statement should discuss the issues completely and state the actions that the Corps has taken to reconcile its proposed action with the plan, policy or control, and the reasons for proceeding with the project notwithstanding the absence of full reconciliation.

f. *The Probable Impact of the Proposed Action on the Environment.* (1) Impacts on the environment including water, land and air, should be viewed as changes or conversions of environmental elements which result directly or indirectly from the proposed action. These impacts and effects should initially be identified and projected throughout the life of the project. Include land loss and land use changes which could be expected upstream, downstream, and adjacent to the project such as urbanization changes in water features and characteristics, air quality, aesthetics, etc. Discuss the impacts on the environment of project-induced primary and secondary economic and social effects, including cumulative effects.

Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful discussion of the trade-offs involved in the SOF. Quantitative estimates of losses or gains (e.g., acres of marshland, miles of white-water streams inundated, etc.) will be set forth whenever practicable. Where this cannot be done, qualitative descriptions of unquantifiable environmental costs and benefits should be provided with assumptions or criteria on which judgments are based. Data developed from the effect assessment for environmental effects (section 122) should be used as input for the "with project condition."

(2) The description of the proposed action should include a summary of the population projections employed as a basis for formulation and evaluation. The source of the population data, whether OBERS or another origin, should be identified. Other projections, such as future economic activity and land use, that also bear upon a thorough understanding of the environmental impacts of the proposed action should be included along with their source. When preparing the environmental statement, care should be taken to only include information that is necessary to fully understand the proposed action and its attendant environmental impacts. In order to keep the statement brief, the environmental statement should contain references to more detailed information in the appropriate sections of the decision document. Discuss both the beneficial and adverse impacts of the environmental changes or conversions placing some relative value on the impacts described. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed, or ecosystem. Relate the impact to the river basin or regional entity in which the action is proposed; and discuss the interrelationship of projects and alternatives proposed, under construction or in operation by other agencies or organizations. A thoughtful assessment of the environmental elements should aid in determining impacts. For example, the filing of a portion of the wetlands or an estuary would involve the obvious conversion of aquatic/marsh areas to terrestial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestial organisms, a change in the nutrient composition of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildlife aesthetics to less-pristine attributes, perhaps the removal of same portion of popular duck hunting grounds or unique bird nesting area, etc.

(3) Identify remedial, protective, and mitigation measures which would be taken as a part of the proposed action by the Corps or others, to eliminate, or compensate for, any adverse aspects of the proposed action. Such measures taken for the minor or short-lived negative aspects cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in paragraph e.

(4) For O&M maintenance dredging projects which are segments of a total system, i.e., the intracoastal waterway, and for which it has been determined that separate rather than a composite environmental statement be prepared, the need to discuss the interrelationship of the segments with the total project including cumulative environmental impacts over the life of project is mandatory. Points to consider in preparing the statement should include: periodicity of dredging requirements, volume of material removed to date and projected in the future, dredging methods used in past and project for future use, location and expected life of authorized spoil disposal areas, projected needs and plans for establishing new areas, experienced rate and type of revegetation and changes in wildlife values on completed and existing disposed areas, quality of dredge spoil throughout the project area with particular coverage of any areas where chronic pollution exists and how such spoil has been and will be handled, and a general description of fauna and flora within the project area including a thorough analysis of how proposed dredging operations will affect these organisms.

g. *Any Probably Adverse Environmental Effects Which Cannot be Avoided.* Discuss the detrimental or adverse aspects of the proposed action which cannot be eliminated by alternative measures of the proposed action. This discussion will identify the nature and extent of the adverse effects, the resources affected and summarize those adverse and unavoidable effects of the proposed action discussed in paragraph d. It should include a discussion of adverse effects or objections raised by others. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value.

h. *Alternatives to the Proposed Action.* Describe the various reasonable structural and non-structural alternatives to the proposed action, their environmental impact, their ability to accomplish the objectives, either in whole or part, of the proposed action, specifically taking into account the alternative of no action. The "effect analysis" as required by section 122 for survey and continuing authority reports and Phase I GDM's will provide necessary information to the planner in developing the full range of effects of project alternatives to eliminate, reduce, or minimize adverse environmental effects or to enhance environmental qualities. For each viable alternative considered, particular, economic, social, and environmental effects of the planned action must be assessed and weighed against other alternatives in the SOF. A thorough discussion of this balancing analysis in the SOF will provide evidence that the decision making process has in fact taken place, that it will allow others to evaluate and balance the factors on their own, and that the final project recommendation is made in the best overall public interest.

In discussing the various alternatives to accomplish the objectives of the proposed action, three general categories should be followed: (1) Describe those alternatives which would accomplish all of the objectives of the proposed action, (2) describe those alternatives which may only provide a partial solution to all or part of the objectives of the project, as one example including land acquisition or other land use controls in the flood plain in the case of flood control projects, and (3) describe the no development alternative. Rules of reasonableness must also be followed in deciding what alternatives are proper subjects for discussion. These are summarized as follows:

(a) The fact that an alternative action cannot be implemented by the Corps does not by itself make the alternative not reasonably available. If alternatives requiring action by another agency or legislative action are not remote or speculative possibilities, they must be discussed in the statement. In discussing such alternatives, information contained in studies by other agencies, responsible journals and other agencies environmental impact statements may be used.

(b) Reasonably available alternative actions and responsible views in opposition to a proposed action which are contained in comments on the environmental impact statement submitted by interested citizens or citizens' groups must be discussed.

(c) The range of alternatives that must be evaluated in an environmental impact statement concerning a proposed action which is an integral part of a wide-spread coordinated plan must be broadened beyond those alternatives that would be considered in the case of a project of more limited scope, such as a local protection project.

(d) In the case of a proposed action intended to respond to an immediate need, an alternative action that will provide only a long-term solution is probably not a reasonably available alternative and does not have to be discussed.

i. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or post long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and eco-

systems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain of the amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes are directly related to the degree that the losses are sizeable or unique.

j. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects identified in paragraph e. to the extent to which the action irreversibly would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another. Include possible indirect actions—those made economically feasible, as a result of the proposed action—that would cause changes in land and water use that could not be altered or reversed under free enterprise principles.

k. *Coordination and Comment and Response.* The coordination and public participation efforts will be summarized in this section under three subheadings: Public participation, Government agencies, and Citizen Groups.

(1) Public participation. This section will briefly summarize the public participation efforts accomplished during the conduct of the study indicating number of public meetings, informal meetings and workshops conducted and a brief discussion of environmental issues identified, if any. For an authorized project or other administrative action discuss measures taken to involve or inform the public of the action and the environmental issues.

(2) Government agencies. Each government agency with whom coordination of the draft environmental statement has been accomplished will be listed. Relevant and appropriate comments will be included in the final statements incorporating changes where necessary. Additionally, each separate view expressed concerning the environmental effects of the proposal will be summarized in a comment and appropriately discussed in a response. If the comment requires a change in the main text, the paragraph changed and the page number where the change was made, will be referenced in response. If an agency did not provide comments on the statement, "No comments received" will be placed under the agency name.

(3) Citizens Groups. The objective of this section is to clearly set forth the magnitude and breadth of concerns of private citizens and conservation groups regarding specific identifiable environmental impacts related to the project. The environmental issues or impacts identified by citizens and conservation groups will be incorporated in the statement where appropriate. All views expressed, concerning the environmental effects of the proposal will be set forth in a comment and appropriately discussed in a response, as are those from government agencies. To give appropriate coverage and avoid duplication of response to the same environmental concern, District Engineers may consolidate or combine the environmental issues raised into appropriate groupings. Source of the comments should be clearly identified.

(4) Copies of all correspondence from agencies, groups and individuals on the project mailing list received concerning the proposal will be attached to the statement. Where numerous repetitive type letters are received, the principal issues can be summarized and appropriate responses made. In these instances a listing of the correspondents by name in lieu of attaching copies of each letter will be acceptable.

(5) The reporting officer will make every effort to reconcile areas of discrepancy or disagreement, where comments of reviewing agencies pose significant objection to or recommend modification of the statement. Where agreement cannot be reached within a reasonable period of time, subsequent to receipt of comments, the comments will be discussed (in (2) and (3) above) and a subsection entitled "Unreconciled Conflicts" will be added to this section of the statement. This sub-section will contain a brief, but complete and thorough discussion of the problem(s). The discussion will be a concise and objective analysis of the environmental issues, presenting both sides of the issue.

DRAFT ENVIRONMENTAL STATEMENT, HARBOR OF REFUGE AT LEXINGTON, MICH., U.S. ARMY ENGINEER DISTRICT, DETROIT, MICH., OCTOBER 1972

SUMMARY

(X) Draft
( ) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*

(X) ADMINISTRATIVE
( ) LEGISLATIVE

2. *Description of action:* The Corps of Engineers has proposed the establishment of harbor facilities for small craft in southern Lake Huron at the Village of Lexington, Sanilac County, Michigan. The proposed development would provide an anchorage area protected on three sides by a breakwater system and connected to the open water of Lake Huron by an approach channel. Onsite sport fishing facilities would be enhanced by a foot-bridge connecting the main breakwater to the shore. In addition, the Michigan Waterways Commission has proposed to establish a marina with berthing docks within the harbor area and with appurtenant service facilities onshore. This harbor would supplement the program of harbors-of-refuge for light-draft vessels along the Great Lakes' shoreline.

3. (A) *Environmental impact:* The proposed harbor facilities would provide a safe anchorage for recreational craft and materially improve sport fishing opportunities. The total magnitude of public use as expressed in visitors per seasonal day should increase greatly.

(B) *Adverse environmental effects:* The actions proposed would impact on the local environment by causing changes in the configuration of the adjacent shoreline areas through the interception of littoral drift. However, it is proposed to mitigate such conditions through a program of periodic beach nourishment. Construction and maintenance operations would cause temporary and/or permanent damage to the present aquatic environment. Water quality within the harbor would be degraded through the increased boat traffic and interruption of shoreline currents. The open water setting of Lake Huron at Lexington would be altered by the proposed harbor developments. The extent of the existing public beach would be reduced by approximately 70 percent.

4. *Alternatives to the proposed action:*

(A) Moving the proposed harbor facility more southerly but along the same stretch of beach at Lexington.

(B) Moving the proposed harbor site more northerly but in the same stretch of beach at Lexington.

(C) Reduce the area of the proposed harbor by locating the north breakwater approximately 300 feet south and, in effect, reduce the total breakwater length.

(D) Constructing the harbor breakwaters by rock rubblemound rather than the proposed steel sheet pilings.

(E) Do not construct the proposed harbor at Lexington, Michigan.

5. *Comments requested:*

Michigan Department of Natural Resources
Michigan Historical Commission
Office of Planning Coordination, Executive Ofc. of the Governor (Mich.)
Conference on Michigan Archaeology
Village of Lexington, Michigan
County Board of Commissioners, Sanilac County, Michigan
Environmental Protection Agency
U.S. Department of Commerce
  Assistant Secretary for Science and Technology
  Bureau of Commercial Fisheries
U.S. Department of Transportation
  U.S. Coast Guard
U.S. Department of Interior
  Bureau of Outdoor Recreation
  Bureau of Sport Fisheries and Wildlife
  National Park Service

6. Draft statement to CEQ _____.

FINAL ENVIRONMENTAL STATEMENT, GATHRIGHT LAKE, JACKSON RIVER, JAMES RIVER BASIN, VA., U.S. ARMY ENGINEER DISTRICT, NORFOLK, VA., JANUARY 1973

SUMMARY

( ) Draft
(X) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer.)

1. *Name of action:*

(X) Administrative
( ) Legislative

2. *Description of action:* Complete construction of a multiple-purpose reservoir project on the Jackson River, James River Basin, Virginia. An earth, rock-fill dam will provide 123,700 acre-feet of storage within the conservation pool and 203,600 acre-feet at the top of the flood control pool. The combination flood control, water quality control, area redevelopment, and recreation project will lie within Bath and Alleghany Counties. A cold-water trout habitat will be created in the Jackson River from the dam site downstream about 10 miles to near Covington, Virginia.

3. a. *Environmental impacts:* Provide flood control, water quality control, and recreation benefits as well as certain other economic benefits within the area arising from employment and investment opportunities. About 2,530 acres of land will be permanently inundated; agricultural lands within the Gathright Wildlife Management Area will be removed from effective production. Some 12 miles of the free-flowing Jackson River will be foregone together with attendant recreational activities such as canoeing and the present put-and-take trout fishery therein. Also, significantly changed will be about three-fourths of the Kincaid Gorge, Jackson River. The reservoir will provide a permanent warm-water fishery, and operation of the project will permit the establishment of a trout fishery below the dam.

b. *Adverse environmental effects:* Approximately 40 persons have been or will be re-

located. About 12 miles of the Jackson River will be foregone as will the present river-oriented canoeing and put-and-take trout fishing. About three-fourths of the Kincaid Gorge will be transformed from the manner it existed naturally. Within the Gathright Wildlife Management Area, 1,240 acres of bottomland agricultural wildlife habitat will be lost. This includes 300 acres of cropland. Wildlife habitat beneficial to turkey and deer production will be reduced.

4. *Alternatives:* The following alternatives to either the entire Gathright project or to features incorporated therein were considered:

a. Alternative dam sites.
b. System of small dams.
c. Operation of Gathright as a dry dam.
d. Local protection works at Covington.
e. Flood plain zoning.
f. Evacuation of property on flood plain.
g. Floodproofing.
h. Flood insurance.
i. Purchase of flood plain.
j. Lagooning of pollution wastes.
k. Piping of pollution wastes downstream.
l. Complete removal of pollutants.
m. Operation of Gathright for water quality improvement.
n. Higher degrees of waste treatment.
o. Alternative to the recreational facilities constructed in Gathright project.
p. Deleting storage in Gathright project for the control of floods downstream.
q. Deleting storage in Gathright project for water quality control.
r. Deleting recreation in Gathright project.
s. Deleting the downstream trout fishery.
t. Abandonment of Gathright project.

5. *Comments received:*

Soil Conservation Service, USDA
U.S. Environmental Protection Agency
U.S. Department of Commerce
U.S. Department of Health, Education, and Welfare
Forest Service, USDA
Office of the Surgeon General, DA
Virginia Historic Landmarks Commission
Virginia Commission of Game and Inland Fisheries
Central Shenandoah Planning District Commission
City of Richmond
Bath County
Covington-Alleghany County Chamber of Commerce, Inc.
James River Basin Association
Westvaco
Citizens Against Pollution, Inc.

6. Draft Statement to CEQ 28 Aug 72.
Final Statement to CEQ _____.

DRAFT ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), U.S. ARMY ENGINEER DISTRICT, VICKSBURG, VICKSBURG, MISS., DECEMBER 1971

SUMMARY

(X) Draft Environmental Statement
( ) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*

( ) Administrative
(X) Legislative

2. *Description of action:* The recommended plan of improvement consists of 11.3 miles of loop-levee to protect against the Mississippi River Project Design flood, 16.1 miles of channel improvements within the interior drainage system, installation of a water level control weir and a 200 c.f.s. pumping station with floodgates, and acquisition and development of 1,000 acres of bottomland outside of the leveed area to mitigate project-induced fish and wildlife losses.

3. a. *Environmental impacts:* Essentially complete flood protection for about 10,100 acres is expected to improve living conditions for area residents; provide for needed agricultural, industrial, commercial, and residential expansion; improve economic conditions for Warren County; and diminish fish and wildlife productivity within the area.

b. *Adverse environmental effects:* The induced clearing of bottomland forests would result in a reduction of wildlife habitat and wildlife productivity. The protective levee would damage the existing fishery by eliminating natural overflows. Intensive farming practices could further degrade aquatic habitat because of increased sedimentation and turbidity, alteration of natural water supplies, and use of pesticides.

4. *Alternatives:* Two levee alignments, non-structural alternatives (flood forecasting and warning, flood plain regulation, and permanent evacuation of the developed flood plain), and "no development."

5. *Comments requested:* List all agencies, organized groups and individuals from whom comments were requested. Two columns may be used to keep the summary as brief as possible.

6. Draft statement to CEQ _____.

REVISED DRAFT ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), OFFICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20314, APRIL 1972

SUMMARY

(X) Revised Draft Environmental Statement
( ) Final Environmental Statement

Responsible office (Complete Address and Phone No. of District Engineer)

1. *Name of action:*

( ) Administrative
(X) Legislative

2. *Description of action:* Same as Draft Statement except project modifications resulting from BERH and/or OCE reviews should be identified and discussed as appropriate.

3. a. *Environmental impacts:* Same as 2 above.

b. *Adverse environmental effects:* Same as 2 above.

4. *Alternatives:* Same as 2 above.

5. *Comments received (district review):* List all agencies and organizations from whom comments were received. Show one entry "private citizen or citizens" if comments were received from the general public. Two columns may be used to keep the summary as brief as possible. Do not list comments requested but not received on the summary. This information can be shown in paragraph 8 of the statement.

b. *Comments requested (departmental review):*

Department of Agriculture (Except Coastal Navigation Projects)
Department of Commerce (When Appropriate)
Department of Health, Education, and Welfare (All Projects)
Department of Housing and Urban Development (When Appropriate)
Department of the Interior (All Projects)
Department of Transportation (All Projects)
Environmental Protection Agency (All Projects)
Office of Economic Opportunity (When Appropriate)
State or States Concerned (All Projects)

(Note: Add FPC if project involves power or power potential and Regional Basin and International Commissions when appropriate.)

6. Draft statement to CEQ _____.
Revised Draft statement to CEQ _____.

FINAL ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), OFFICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20314, AUGUST 1972

SUMMARY

( ) Draft Environmental Statement
(X) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*

( ) Administrative
(X) Legislative

2. *Description of action:* Same as 2 on page C–19.

3. a. *Environmental impacts:* Same as 3 on page C–17.

b. *Adverse environmental effects:* Same as 3 on page C–17.

4. *Alternatives:* Same as 3 on page C–17.

5. a. *Comments Received (District Review):* Same information as provided in Revised Draft Summary. Comments received after Revised Draft forwarded to higher authority should be included in this paragraph.

b. *Comments Received (Departmental Review):* List Departmental agencies from whom comments were received.

6. Draft statement to CEQ _____.
Revised Draft statement to CEQ _____.
Final statement to CEQ _____.

LETTERS RECEIVED BY THE DISTRICT ENGINEER ON THE DRAFT ENVIRONMENTAL STATEMENT

APPENDIX A

NOTE.—Provide a Table of Contents if a large number of letters are attached.

LETTERS RECEIVED BY THE CHIEF OF ENGINEERS AS A RESULT OF COORDINATION OF THE REVISED DRAFT ENVIRONMENTAL STATEMENT

APPENDIX B

PROCESSING INSTRUCTIONS

1. At the same time as the District Engineer circulates draft environmental statements, revised draft statements and draft supplements and furnishes 5 copies to CEQ, he will prepare a short letter transmitting two copies of the CEQ transmittal letter and one copy of the statement to Chief, Office of Civil Functions, Office of the Secretary of the Army, Washington, D.C. 20310. The letter will indicate the type of project and authority (survey, O&M, permit, etc.); whether or not the basic project decision has ever been reviewed by Office, Secretary of the Army, and if so, when; and whether or not the environmental impacts of the project are controversial. Briefly explain who expressed concern, what the concern was, and the Corps response. If the project is in litigation it should be noted.

2. Copies of the transmittal letter to CEQ will be attached to ten copies of the draft environmental statements forwarded to higher authority. Of the five statements forwarded to OCE, one copy will be marked to the attention of DAEN–PAP (Mr. Kelly) and the remaining four to the appropriate Divisions in OCE as noted in paragraph 16.

3. Pages C–25 through C–30 are samples of the format to be followed by the District Engineer in preparing transmittal letters for furnishing draft environmental statements to CEQ. Letters transmitting draft revised

statements and draft supplements will follow the same format as draft statements.

(Sample letter for transmitting survey report draft EIS's to CEQ)

MR. STEPHEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement and supplemental data concerning project economics on a proposed plan for navigation improvements at Milwaukee Harbor, Wisconsin. A revised draft statement will be furnished upon completion of review by the Board of Engineers for Rivers and Harbors and the Office of the Chief of Engineers. The final statement will be furnished upon completion of coordination with concerned Federal and State agencies, consideration of the views of the public, and review by the Secretary of the Army.

The total estimated Federal cost is $8,742,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

1 Incl (5 cys)
As stated

(Sample letter for transmitting small project authority draft EIS's to CEQ)

MR. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement for proposed improvements for navigation at the Gulf Intracoastal Waterway, Texas (tributary channel to Aransas Pass) undertaken pursuant to the small navigation project authority provided by Section 107 of the 1960 Rivers and Harbors Act, as amended. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $474,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

No organized public group has indicated concern regarding the environmental impact of this project.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting phase I, GDM draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the Phase I Draft Environmental Statement for flood control improvements on Scioto River at Chillicothe, Ohio, authorized by the Flood Control Act of 1962. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $6,455,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

Opposition to the proposed plan of improvement has been expressed by the academic community and the Fish and Wildlife Service concerning the loss of 1.7 acres of a 6-acre stand of unusual mature bottomland forest adjacent to an existing city park. In response, the Corps notes that the proposed plan is the most feasible and that all practical means of minimizing the impact upon the bottomland forest will be observed in the design and construction of the project.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting continuing construction draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement on the Onaga Dam and Lake Project, Kansas, authorized by the Flood Control Act of 1962. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $36,889,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting operation and maintenance draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement on the operation and maintenance of the flood control project, Pat Mayse Lake, Sanders Creek, Texas. The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens. Operation and maintenance work is performed annually.

The estimated cost of work scheduled to be performed on the project during Fiscal Year 1974 is $252,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

1 Incl (5 cys)
As stated

(Sample letter for transmitting permit application draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement concerning a permit application made to the Corps of Engineers by Ernest W. Hahn, Inc., regarding the construction of a regional shopping center in Corte Madera, California.

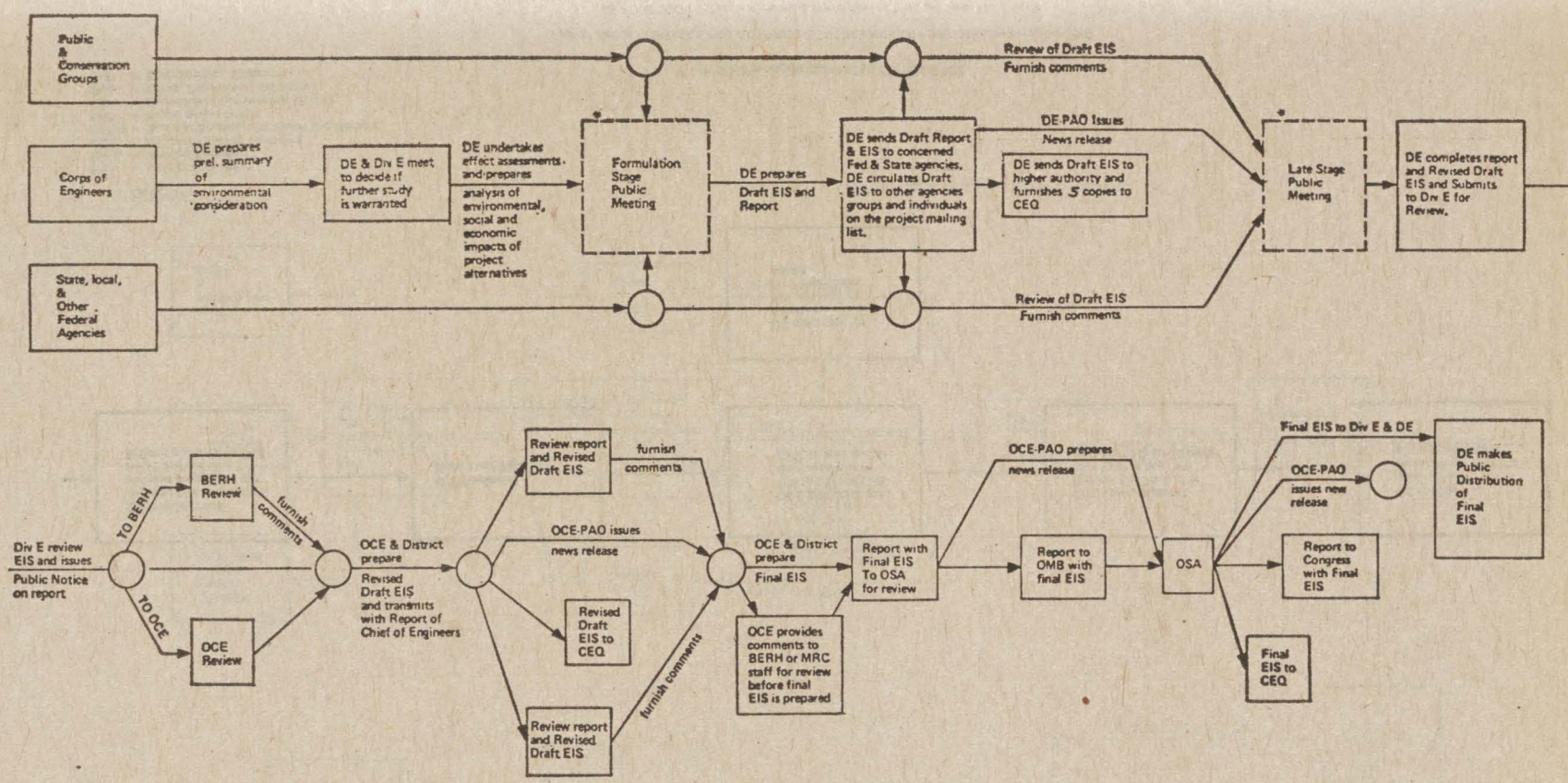
This is in response to the Department of the Army's responsibility pursuant to Section 10 of the River and Harbor Act of 1899 to determine whether proposed work in navigable waters of the United States would be consistent with the public interest.

The release of this statement to the general public can be made with the proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of the proposed construction on the environment.

There is significant organized public opposition regarding the environmental impact of this project.

Sincerely yours,

1 Incl (5 cys)
As stated



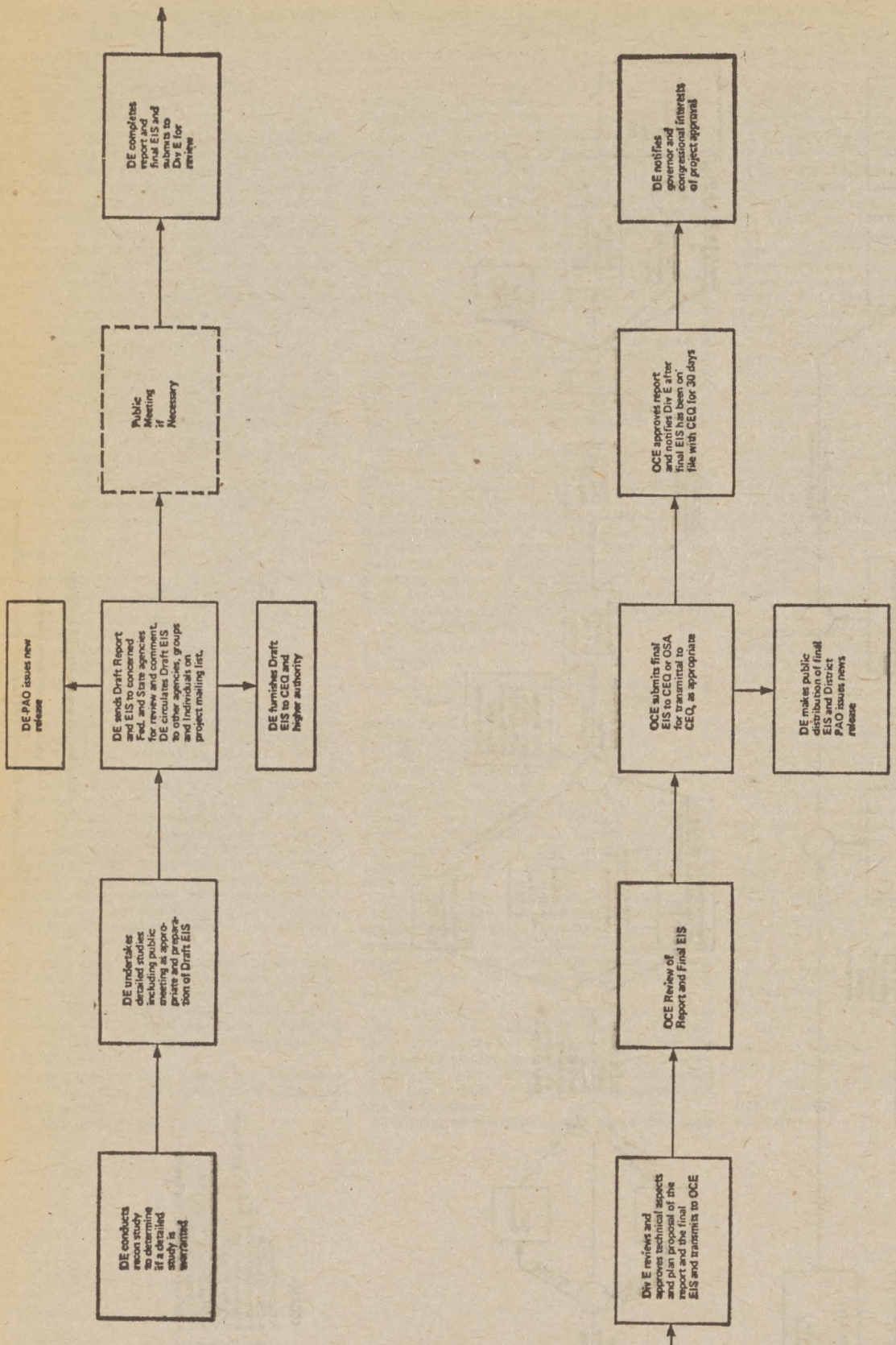
LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

* – Public Meetings as specified by ER 1105-2-502

Type of Action – Survey Reports (See paragraph 16a)

CHRONOLOGY – Preparation and Coordination of Environmental Statements



LEGEND

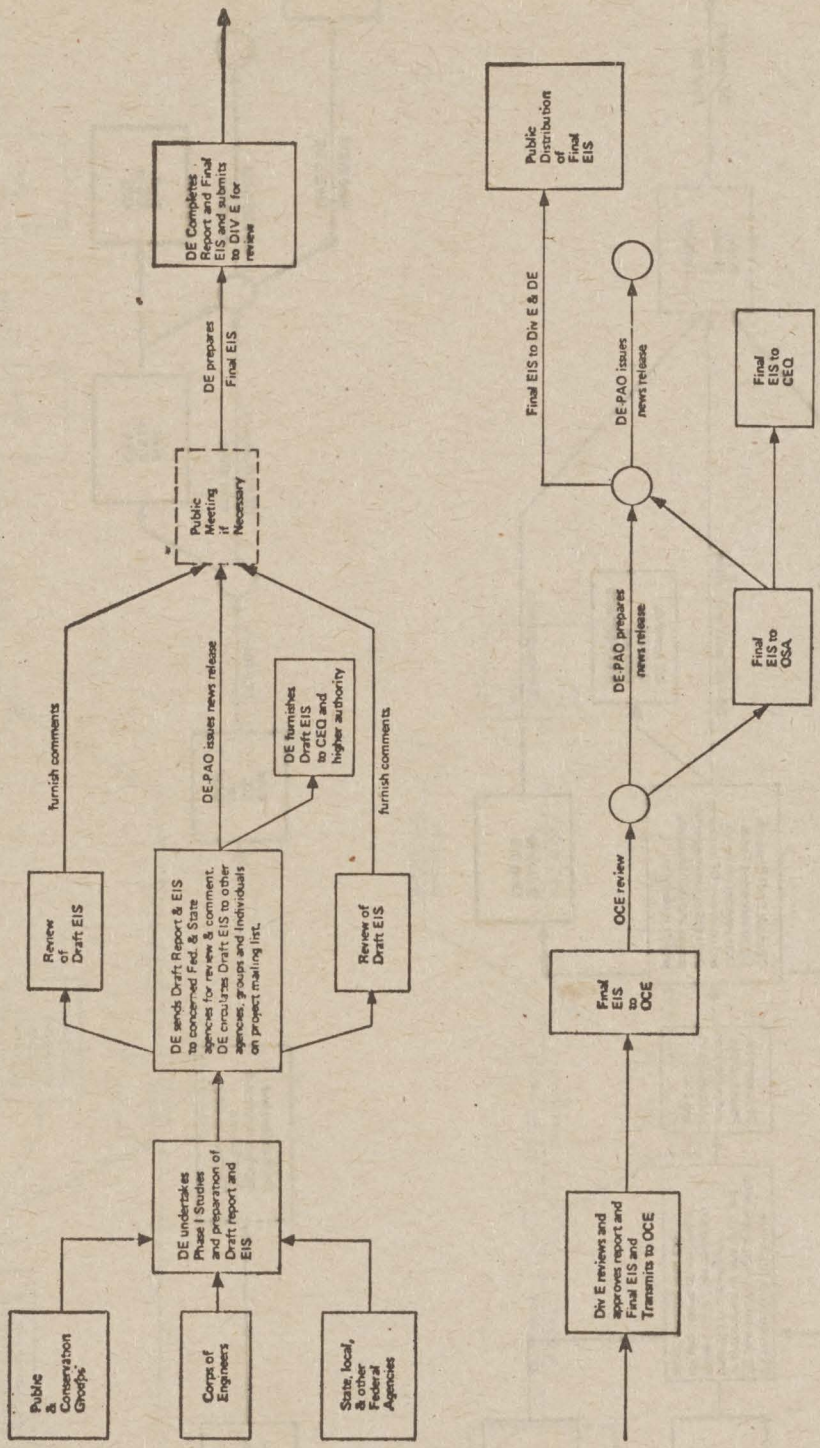
DE = District Engineers
Div E = Division Engineers
OCE = Office of Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement

*— Public Meetings as Specified by ER 1105-2-502

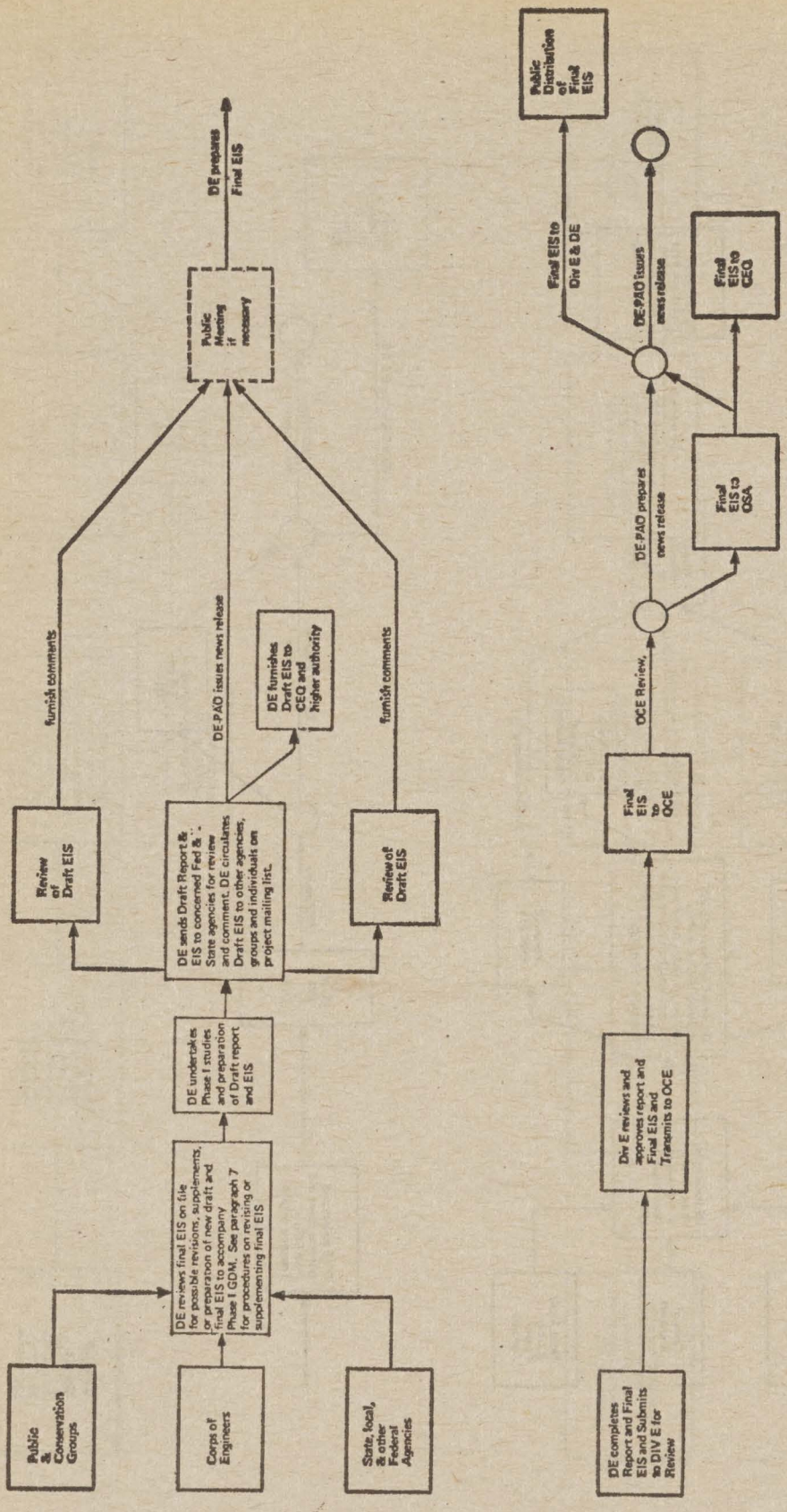
Type of Action — SPECIAL PROJECTS AND CONTINUING AUTHORITIES (See paragraph 16b)

CHRONOLOGY — Preparation and Coordination of Environmental Statements

FOR PROJECTS WITHOUT PRIOR ENVIRONMENTAL STATEMENT



FOR PROJECTS WITH PRIOR ENVIRONMENTAL STATEMENT



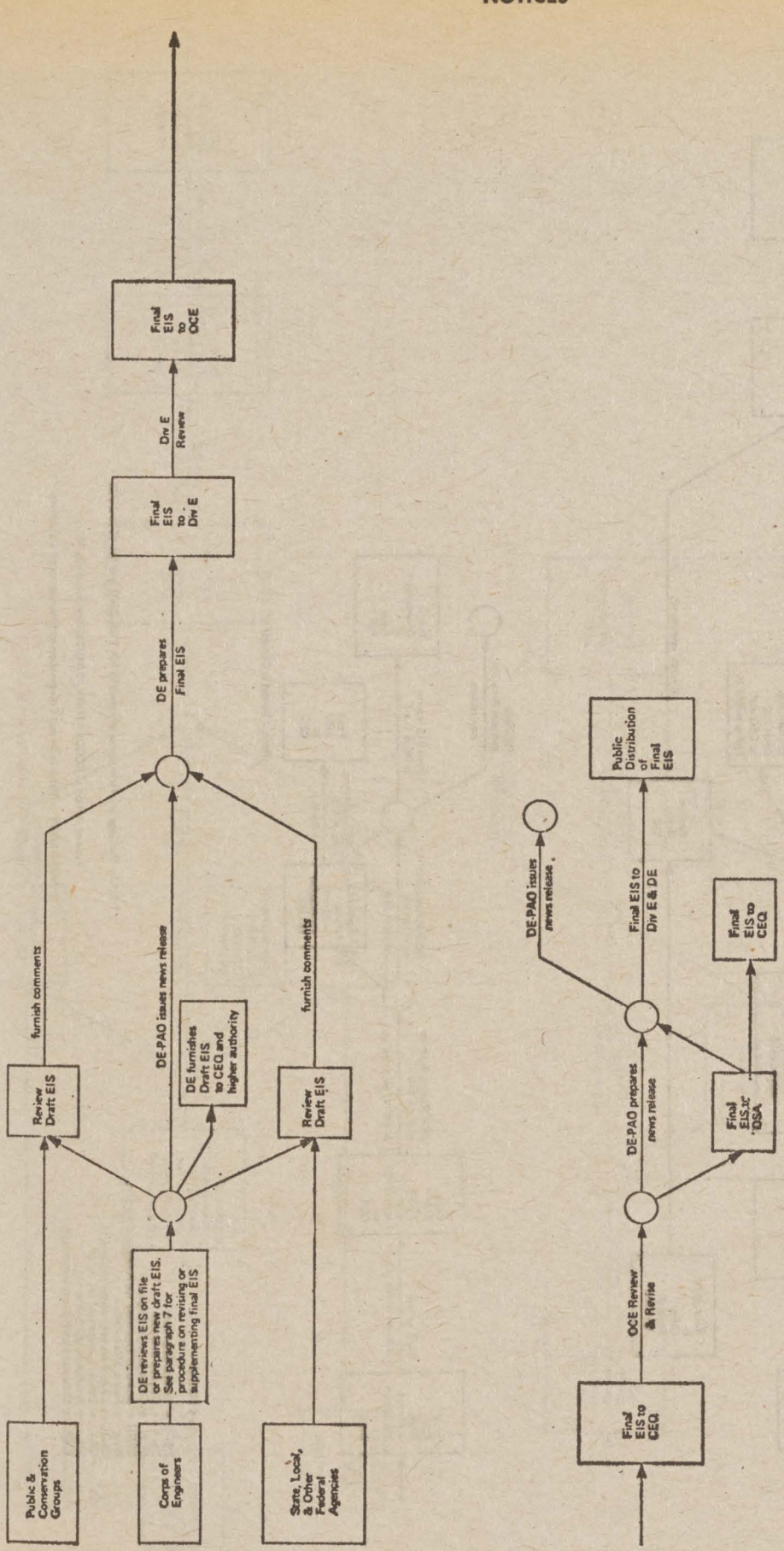
LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

* Public Meetings as specified by ER 1105-2-502

Type of Action — AUTHORIZED PROJECTS NOT STARTED (See paragraph 161.2

CHRONOLOGY — Preparation and Coordination of Environmental Statements

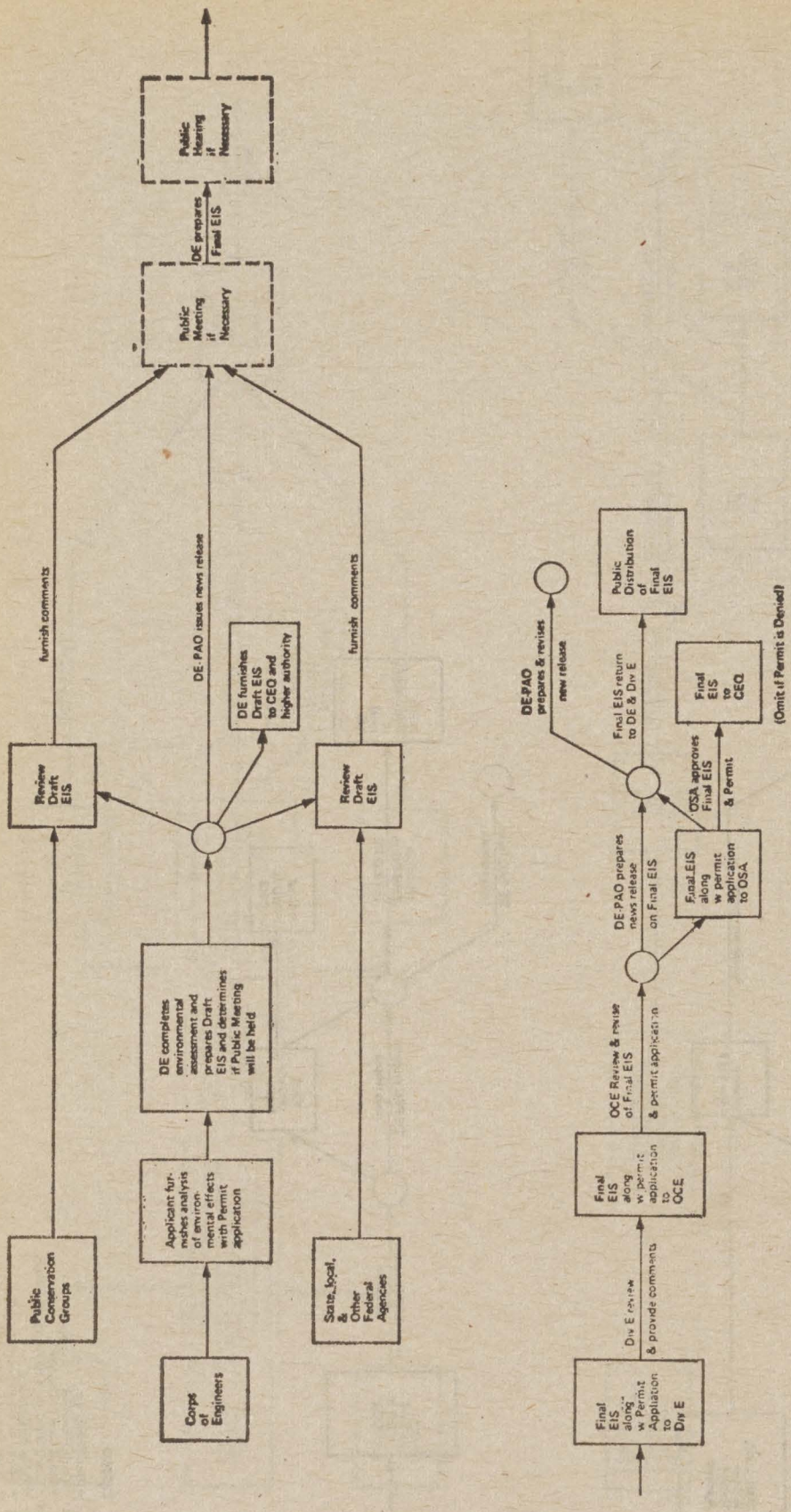


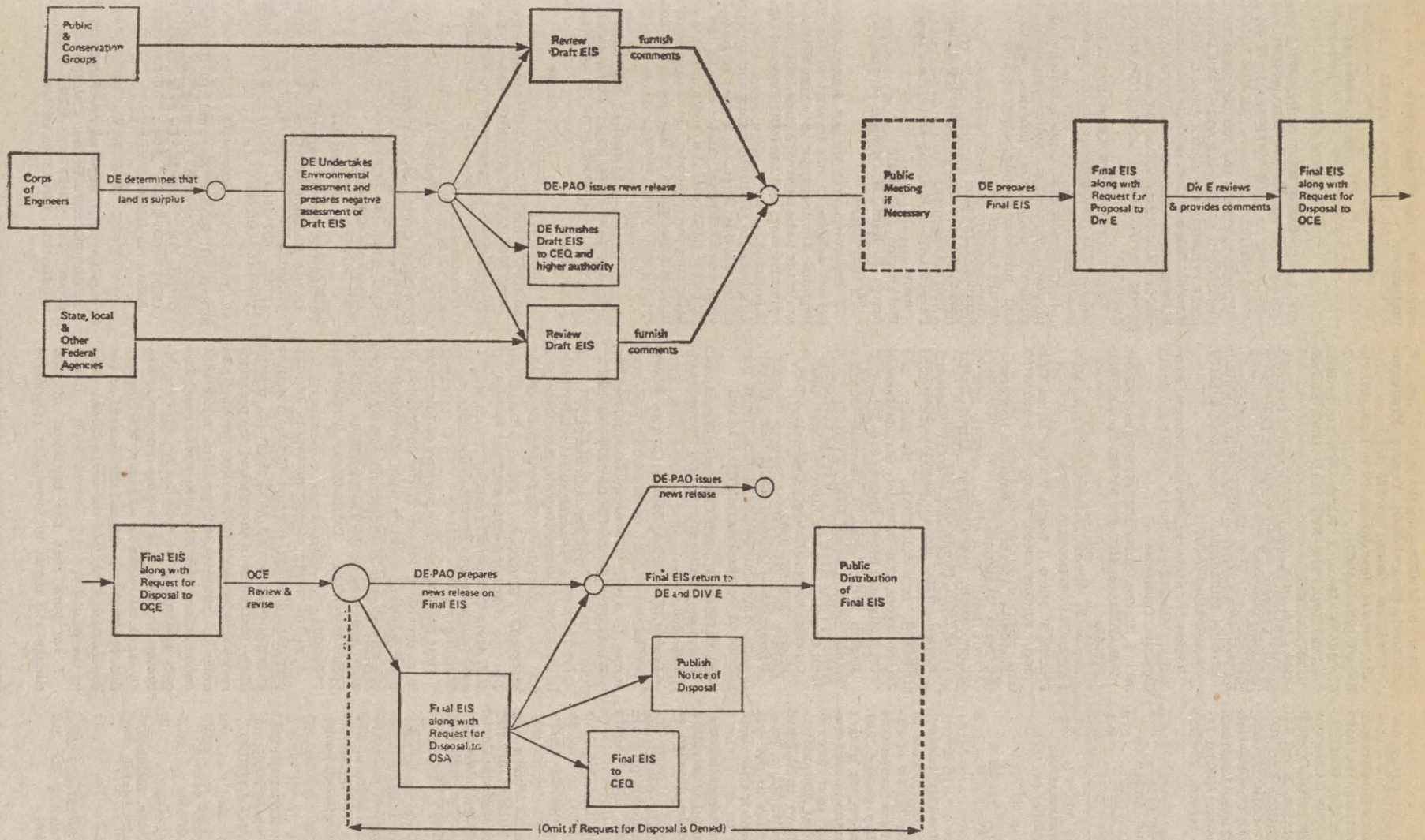
LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

Type of Action – CONTINUING CONSTRUCTION AND OPERATION AND MAINTENANCE See paragraph 18(a)

CHRONOLOGY – Preparation and Coordination of Environmental Statements


Public Conservation Groups
Corps of Engineers
Applicant furnishes analysis of environmental effects with Permit application
DE completes environmental assessment and prepares Draft EIS and determines if Public Meeting will be held
Review Draft EIS
furnish comments
DE furnishes Draft EIS to CEQ and higher authority
DE, PAO issues news release
Public Meeting if Necessary
DE prepares Final EIS
Public Hearing if Necessary
State, local, & Other Federal Agencies
Review Draft EIS
furnish comments
Final EIS along w Permit Application to Div E
Div E review & provide comments
Final EIS along w permit application to OCE
OCE Review & revise of Final EIS & permit application
DE-PAO prepares news release on Final EIS
DE-PAO prepares & revises new release
Final EIS along w permit application to OSA
OSA approves Final EIS & Permit
Final EIS to CEQ
Final EIS return to DE & Div E
Public Distribution of Final EIS
(Omit if Permit is Denied)
LEGEND
DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget
* Public Meetings and Hearings as specified by ER 1105-2-502 and ER 1145-2-303
Type of Action — REGULATORY PERMITS (See paragraph 16f)
CHRONOLOGY — Preparation and Coordination of Environmental Statements



LEGEND

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CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

* Public Meetings as specified by ER 1105-2-502

Type of Action – DISPOSAL OF LAND (See paragraph 16)

CHRONOLOGY – Preparation and Coordination of Environmental Statements

APPENDIX F

COORDINATION WITH FEDERAL AGENCIES

Coordination of environmental statements and their supporting reports will be conducted in accordance with the requirements contained in Appendix C, CEQ Guidelines (38 FR 20559), the Water Resource Council Coordination Handbook; Section X of EM 1120-2-101, "Survey Investigations and Reports, General Procedures," OMB Circular A-95, "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects;" and the following special requirements established by certain Federal agencies.

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATION,
Washington, D.C., October 28, 1971.

Col. J. B. NEWMAN,
Executive Director of Civil Works,
Office of the Chief of Engineers,
Department of the Army,
Washington, D.C.

DEAR COLONEL NEWMAN: The Environmental Protection Agency is in the process of strengthening its program for review of environmental impact statements under the National Environmental Policy Act of 1969. To expedite the review process, significant responsibility to evaluate environmental impact statements from other agencies has been delegated to our Regional Administrators. The regional offices have established close working relationships with State, local and Federal field offices, and are in the best position to evaluate issues which affect specific geographical areas.

Environmental impact statements submitted to the Environmental Protection Agency for comment should be directed as follows:

1. Environmental statements concerning legislation, regulations, national program proposals or other major policy issues should be directed to:

Mr. George Marienthal, Acting Director
Office of Federal Activities
Environmental Protection Agency
Washington, D.C. 20460

2. Environmental statements concerning other major Federal actions, such as highway and water resource construction projects, should be directed to the Regional Administrator in whose area the action will take place. The Regional Administrator will coordinate the EPA review.

When any EPA office is requested to comment on an environmental impact statement, please provide five copies of the statement and supporting material. A list of EPA regional offices, including a listing of the States under the jurisdiction of each region is enclosed.

Sincerely,

GEORGE MARIENTHAL,
Acting Director,
Office of Federal Activities.

Enclosure.

ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

REGIONAL ADMINISTRATORS [1]

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

John A. S. McGlennon, Room 2303, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203, Phone: 617-223-7210.

Region II: New Jersey, New York, Puerto Rico, Virgin Islands.

Gerald M. Hansler, Room 847, 26 Federal Plaza, New York, New York 10007, Phone: 212-264-2525.

Region III: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Edward Furia, Curtis Bldg., 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: 215-597-5191.

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Jack E. Ravan, Suite 300, 1421 Peachtree St., N.E., Atlanta, Georgia 30309, Phone: 404-526-5727.

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Francis T. Mayo, 1 North Walker Drive, Chicago, Illinois 60605, Phone: 312-353-5757.

Region VI: Arkansas, Louisiana, New Mexico, Texas, Oklahoma.

Arthur Busch, 1600 Patterson Street, Dallas, Texas 75201, Phone: 214-749-2625.

Region VII: Iowa, Kansas, Missouri, Nebraska.

Jerome Svore, 1735 Baltimore Street, Kansas City, Missouri 64108, Phone: 816-374-5616.

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

John Green, Room 916, Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203, Phone: 303-837-3895.

Region IX: Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island.

Paul DeFalco, Jr., 100 California Street, San Francisco, California 94102, Phone: 415-556-4303.

Region X: Alaska, Idaho, Oregon, Washington.

James L. Agee, 1200 Sixth Avenue, Seattle, Washington 98101, Phone: 206-442-1200.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C. 20460,
September 29, 1972.

Mr. FRANCIS X. KELLY,
Director, Office of Public Affairs,
U.S. Army Corps of Engineers
1000 Independence Avenue SW.,
Washington, D.C. 20314.

DEAR MR. KELLY: The purpose of this letter is to provide guidance in the submission of draft environmental impact statements to the Environmental Protection Agency for review and comment. This pertains only to pesticide-related (including herbicides) programs.

A recent study of our procedure for the preparation of EPA responses to draft impact statements indicated that delay in receipt of the statement in the office of the principal reviewer was our most serious problem. In order to minimize this problem, I ask that two copies of your Corps' Environmental Impact statements be sent to Mr. William M. Hoffman, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460. Copies should also be sent to the appropriate EPA Regions as has been done in the past.

I am sure that the initiation of this change will result in forwarding responsive comments consistent with our time limitation.

Sincerely yours,

SHELDON MEYERS,
Director,
Office of Federal Activities.

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C. 20410,
May 9, 1972.

This is to clarify the contact point for the Department of Housing and Urban Development regarding the distribution of Environmental Impact Statements in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and the Council on Environmental Quality Guidelines of April 1971.

Environmental Impact Statements submitted to HUD for comment should be directed as follows:

1. Environmental Impact Statements for proposed legislation, policy issuances and guidance documents, program regulations and procedures, and other policy issues should be sent to:

Samuel C. Jackson
Assistant Secretary for Community Planning and Management
Department of Housing and Urban Development
Washington, D.C. 20410
Attn: Richard H. Broun, Environmental Clearance Officer

2. Environmental Impact Statements for project actions should be sent to the HUD Regional Administrator in whose region the project is to be located. A list of the Regional Administrators and the HUD Regional Offices is enclosed.

In order to facilitate review and comment, please provide three (3) copies of each Environmental Impact Statement to the appropriate HUD office. I would appreciate your informing the component bureaus and offices in your department of this procedure. Thank you for your cooperation.

Sincerely,

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

Enclosure.

REGION I

James J. Barry, Regional Administrator, Rm. 800 John F. Kennedy, Federal Building, Boston, Massachusetts 02203, Tel. (617) 223-4066. Attn: Environmental Clearance Officer.

REGION II

S. William Green, Regional Administrator, 26 Federal Plaza, New York, New York 10007, Tel. (212) 264-8068. Attn: Environmental Clearance Officer.

REGION III

Theodore R. Robb, Regional Administrator, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Tel. (215) 597-2560. Attn: Environmental Clearance Officer.

REGION IV

Edward H. Baxter, Regional Administrator, Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Georgia 30323, Tel. (404) 526-5585. Attn: Environmental Clearance Officer.

REGION V

George Vavoulis, Regional Administrator, 300 South Wacker Drive, Chicago, Illinois 60606, Tel. (312) 353-5680. Attn: Environmental Clearance Officer.

[1] Updated with Office of Federal activities, EPA on 19 Jan 72 (referencing ltr dtd 21 Oct 71 fr EPA to GEN Clarke).

REGION VI

Richard L. Morgan, Regional Administrator, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102, Tel. (817) 334–2867. Attn: Environmental Clearance Officer.

REGION VII

Elmer E. Smith, Regional Administrator, Rm. 300 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, Tel. (816) 374–2661. Attn: Environmental Clearance Officer.

REGION VIII

Robert C. Rosenheim, Regional Administrator, Federal Building, 1961 Stout Street, Denver, Colorado 80202, Tel. (303) 837–4881. Attn: Environmental Clearance Officer.

REGION IX

Robert H. Baida, Regional Administrator, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, Tel. (415) 556–4752. Attn: Environmetal Clearance Officer.

REGION X

Oscar P. Peterson, Regional Administrator, Arcade Plaza Building, 1312 Second Avenue, Seattle, Washington 98101, Tel. (206) 442–5415. Attn: Environmental Clearance Officer.

OFFICE OF THE
ASSISTANT SECRETARY OF COMMERCE,
Washington, D.C. 20230,
December 14, 1973.

Colonel JOHN V. PARISH, Jr.,
Executive Director of Civil Works,
Office of the Chief of Engineers,
U.S. Army, Corps of Engineers,
Washington, D.C. 20314.

DEAR COLONEL PARISH: In regard to environmental impact statements sent to the Department of Commerce from your agency for review and comment, it is requested that your standard distribution be increased to a total of 8 (eight) copies. This should meet our maximum need and allow for expeditious review and comment, particularly by our various field installations.

In those cases where distribution is made by component agencies of your organization, it would be appreciated if you would notify them of this request.

Sincerely yours,

SIDNEY R. GALLER,
Deputy Assistant Secretary
for Environmental Affairs.

COORDINATION WITH THE DEPARTMENT OF THE INTERIOR

Contact point: Director, Office of Environmental Project Review, Department of the Interior, Washington, D.C. 20240.

Number of copies: Draft EIS, Draft Supplements and Revised. *Draft EIS (except for Revised Drafts on Survey Reports.)*

For projects *EAST* of the Mississippi River send 15 copies to contact point.

For projects *WEST* of the Mississippi River send 20 copies to contact point.

Final EIS, Final Supplements & Revised Final EIS.

For all projects send 2 copies to the contact point.

Additional instructions: For Survey Reports, Continuing Authorities (DPR's) and Phase I GDM's, a corresponding number of Draft Reports should accompany Draft EIS's when sent forward to the contact point.

APPENDIX G

PREPARATION OF BIOLOGICAL INVENTORIES

1. The inventories should list all species by both the common and scientific name.

2. Display the biotic species in a table or tables giving the status of the species in the general region, status in the project area, seasonal status (when applicable) and quantitative abundance in the general project area. It is paramount to give an explanation or definition of the terms (adjectives) used for quantification of each species, i.e., abundant, common, occasional, rare, etc. Additionally, provide a probable impact description that the project will have upon the species of mammals, birds, fishes, reptiles, amphibians, mollusks, crustaceans, etc., that normally inhabit the project area or may be influenced by the project. Specific and detailed analyses should be given to the project impacts upon the Endangered Species (see the 1973 edition of Threatened Wildlife of the U.S. by the Bureau of Sports Fisheries and Wildlife), upland game birds (turkey, quail, grouse, etc.), waterfowl (geese and ducks), big game mammals (moose, elk, deer, antelope, etc.), small game mammals (rabbits, squirrels, etc.), fur bearers (mink, beaver, muskrat, nutria, etc.), and others.

SAMPLE TABLE

Species	Habitat and/or seasonal status	Range in region or State	Abundance in region	Range in United States	Project impact
Bobwhite, *colinus virginianus.*	Permanent resident.	Statewide	Common	Eastern North America.	Minimal.
Mallard, *Anas platyrhynchos.*	Migrant	Waterways and marsh area regionwide.	do	United States	None.
Cottontail, (*Sylvilagus* sp.).	Brushy areas	Throughout region and State.	do	do	Moderate.

3. List principal native aquatic and terrestrial vegetation including trees, shrubs, grasses, herbs and other vegetation growing within the project area. Indicate relative abundance or scarcity, importance as wildlife habitat, and value for cultural, aesthetic and scientific purposes.

[FR Doc.74–6230 Filed 3–20–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT SUPPLEMENTS TO THE FISCAL YEAR 1975 PROGRAM STATEMENT

Public Meeting

Notice of a series of public information meetings is hereby given by the Bonneville Power Administration, to solicit public comments on Draft Facility Location Supplements to BPA's Fiscal Year 1975 Program Statement.

The purpose of these public information meetings is to present to the public alternative facility or site locations relative to the specific proposals mentioned below and to elicit comments from the public with respect to the environmental impact of the proposals.

The dates, times, places, and proposals to be discussed at the meetings are as follows:

MT. PLEASANT ELECTRICAL SERVICE

On Monday, April 22, 1974, at 7:00 p.m. at the Cape Horn Sky Elementary School, the proposed construction of a new substation and tap line in Skamania County, Washington, will be discussed.

SAN JUAN ISLAND ELECTRICAL SERVICE

On Tuesday, April 23, 1974, at 7:30 p.m. at the Islander Lopez Motel, Lopez Island, Washington, the proposed construction of a 1.7 mile transmission line crossing Decatur Island, Washington, from east to west will be discussed.

EASTERN CLARK COUNTY ELECTRICAL SERVICE

On Wednesday, April 24, 1974, at 7:00 p.m. at Fishers Grange Hall in Vancouver, Washington, the proposed construction of a 1.3 mile 115-kv transmission line and expansion of the Sifton Substation in Clark County, Washington, will be discussed.

LANE ELECTRIC COOPERATIVE SERVICE EAST

An Friday, April 26, 1974, at 7:00 p.m. at Lowell High School, Lyons, Oregon, the proposed construction of a new substation near the town of Lowell located in Lane County, Oregon, will be discussed.

SKAMANIA COUNTY PUD SERVICE

On Monday, April 29, 1974, at 7:00 p.m. at the Stevenson High School, Stevenson, Washington, the proposed construction of a new substation and tap line near the town of Stevenson in Skamania County will be discussed.

Oral and written statements will be accepted at this series of meetings. Members of the public who wish to be given preference in the order of appearance should contact the BPA Area Manager in the area in which the particular meeting is to be held. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit a written copy of their statement. All comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the Draft Facility Location Supplement dealing with the above proposals before commenting.

Requests for copies of the draft supplement on the San Juan Island Electrical Service and any questions regarding this meeting should be forwarded to the Seattle Area Manager, 415 1st Avenue North, Room 250, Seattle, Washington 98109. Similar information regarding the remaining supplements and meetings should be directed to the Portland Area Manager, 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232.

Written comments on the Draft Facility Location Supplements have been invited and will be accepted on or before Monday, April 29, 1974. Copies of the draft supplements are also available for inspection at the above Area Offices or at the headquarters building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, PO Box 3621, Portland, Oregon 97208; Area Code (503) 234–3361, extension 5136.

Dated: March 18, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74–6606 Filed 3–20–74;8:45 am]

Bureau of Land Management

ALBUQUERQUE DISTRICT ADVISORY BOARD

Notice of Meeting

A meeting of the Grazing Advisory Board for the Albuquerque District will be held on April 4 and 5, 1974 at the Holiday Inn in Farmington, New Mexico. The agenda for the meeting will include a field trip in the San Juan Planning Unit starting at 9:00 a.m., on April 4, 1974. On April 5, 1974, beginning at 8:30 a.m., the Board will review and make recommendations on the Bureau's Planning System as it pertains to the San Juan Planning Unit.

The meeting will be open to the public as space is available.

Dated: March 14, 1974.

R. KEITH MILLER,
District Manager.

[FR Doc.74–6505 Filed 3–20–74;8:45 am]

ARIZONA MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management Arizona Multiple Use Advisory Board will meet in Phoenix, Arizona, as follows:

April 22, at 2 p.m., 3022 Federal Building: Wildlife Advisors from each Grazing District Advisory Board, to elect a representative to the Arizona State Multiple Use Advisory Board for the Bureau of Land Management and to consider and make recommendations on wildlife habitat problems in each District.

April 23, at 9 a.m., at the Granada Royale Hometel, 2333 East Thomas Road: members of the Multiple Use Advisory Board. The agenda for the meeting will include: election of Board officers; discussion of provisions of the Federal Advisory Committee Act of 1972, current status of land management planning, Lower Colorado River land selection program, range management program, branding requirements, policy regarding annual licenses and permits, off-road vehicle regulations, and Aravaipa Canyon Primitive Area access.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those desiring to make public statements must notify the Chairman in writing of this intent prior to April 19, 1974. Any interested party may file a written statement with the Board for its consideration. Written statements and requests to give an oral statement to the Board should be directed to Ted Lee, Chairman, c/o State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona, 85025.

Dated: March 15, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74–6561 Filed 3–20–74;8:45 am]

[New Mexico 20261 (943a)]

NEW MEXICO

Navajo Refining Company; Notice of Pipeline Application

MARCH 14, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Navajo Refining Company has applied for a crude oil pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 27 E.,
Sec. 20, S½NW¼, NE¼SW¼;
Sec. 28, SW¼NW¼, E½SW¼, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼; and
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 18 S., R. 27 E.,
Sec. 3, Lot 3, SE¼NW¼, NE¼SW¼.

The pipeline will convey crude oil crossing Federal Lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analysis necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–6503 Filed 3–20–74;8:45 am]

[New Mexico 17537]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 14, 1974.

Notice of a Forest Service, U.S. Department of Agriculture application, NM 17537, for withdrawal and reservation of lands for an administrative site, was published as FR Doc. No. 73–2876, on page 4421 of the issue for February 14, 1973. The applicant agency has cancelled its application involving the land described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands, at 10 a.m. on April 12, 1974, will be relieved of the segregative effect of the above mentioned application.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.74–6504 Filed 3–20–74;8:45 am]

[N.M. Misc. 22]

NEW MEXICO

Order Opening Lands to Entry

MARCH 14, 1974.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 N., R. 5 W.,
Sec. 32.
T. 31 N., R. 6 W.,
Sec. 36.
T. 8 N., R. 10 W.,
Secs. 2, 16 and 36.
T. 3 N., R. 15 W.,
Sec. 21, NE¼, S½NW¼, N½SW¼ and W½SE¼;
Sec. 22, W½NW¼;
Sec. 27, S½N½, S½SW¼ and N½SE¼;
Sec. 34, W½SW¼.
T. 19 S., R. 11 W.,
Secs. 2 and 4;
Sec. 7, lots 3 and 4;
Sec. 8, W½E½ and E½NW¼;
Sec. 10, S½S½;
Sec. 15, NW¼ and E½SW¼;
Sec. 16, N½;
Sec. 17, NE¼;
Sec. 22, SW¼NE¼, N½NW¼ and SW¼NW¼.
T. 19 S., R. 12 W.,
Sec. 12, SE¼.
T. 20 S., R. 12 W.,
Sec. 14, E½NW¼.
T. 34 S., R. 15 W.,
Sec. 10, E½;
Sec. 11, W½.
T. 1 S., R. 18 W.,
Sec. 3, SE¼SW¼ and S½SE¼.
T. 34 S., R. 21 W.,
Sec. 16.
T. 34 S., R. 22 W.,
Sec. 2, lots 1, 2, 3, 4 and E½.
T. 25 S., R. 34 E.,
Sec. 13, SE¼NW¼;
Sec. 24, N½NE¼ and W½.
T. 25 S., R. 35 E.,
Sec. 20, S½NE¼ and SE¼;
Sec. 21, W½SW¼;
Sec. 26, NE¼ and S½;
Sec. 29, N½N½.

The areas described aggregate approximately 10,105.82 acres in Rio Arriba, Valencia, Catron, Grant, Hidalgo and Lea Counties.

2. The topography of the lands varies from level to moderately rolling to rough and mountainous. Soils vary from sandy loam with gravel ranging from shallow to deep. Vegetation consists of native grasses, light to heavy mesquite with shinnery oak, rabbit brush, chamise, and pinon-juniper trees.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on April 30, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, New Mexico 87501.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.74-6557 Filed 3-20-74;8:45 am]

WYOMING

Notice of Restricted Vehicle Use; Closure Order

MARCH 15, 1974.

In FR Doc. 71-7748, appearing on page 10888 of the issue for June 4, 1971, the following change should be made:

The CFR cited should read 43 CFR 6010.4.

DANIEL P. BAKER,
State Director.

[FR Doc.74-6502 Filed 3-20-74;8:45 am]

Fish and Wildlife Service

MARINE MAMMAL PERMIT

Notice of Receipt of Application and Notice of Public Hearing

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for public display as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1361-1407] governing the taking and importing of marine mammals. The Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, finds the following application sufficient for consideration.

Notice is also hereby given that, as authorized by section 104 of the Marine Mammal Protection Act of 1972, a hearing will be held at 9:30 a.m., local time, April 9, 1974, at the California State Building, Room B-109, 1350 Front Street, San Diego, California. The purpose of the hearing is to consider the following application for a public display permit.

The applicant, Sea World, Inc., 1720 South Shores Road, San Diego, California, 92109, proposes to collect eight (8) Pacific walrus (*Odobenus rosmarus divergens*) in and around the offshore waters including the ice floes and/or other locations as they may inhabit around St. Lawrence Island or Little Diomede Island, or possibly from the offshore mainland of the State of Alaska.

The Applicant states that the pups will be salvaged after the females have been killed by the Eskimos under their subsistence hunting program; if the animals are not taken by Sea World, they also will be killed by Eskimos or left to die in the ocean. Therefore, the taking of these animals represents no loss to the population stocks.

The applicant further states that the animals will be taken aboard Eskimo walrus skin boats and transported to the Eskimo village where they will be cared for in an open snow pen. They will be fed a formula of fish, whipping cream, clams, squid, and other nutrients blended together which the applicant states resembles the milk obtained from female walrus under experimental conditions in both nutrients and quality.

The applicant further states that the animals will be transported on a jet aircraft to Sea World, Inc., San Diego, California, where they will be placed and cared for in a specially constructed nursery that has free access to sea water, sunning areas, etc. The animals will be transported in individual containers made of plywood and wire screen that allows full ventilation and mobility but protects them from extreme damage.

The applicant further states that the walrus will be displayed in the walrus display area. They will be displayed in pairs for short periods of time on an alternating basis. After the animals reach weaning age and are on a full solid food diet, they will be left on display as are the adult walrus.

Sea World states that once the animals are weaned they will be divided into three groups, one group will stay at Sea World, San Diego, one group will be sent via jet aircraft to Sea World of Ohio, and one group will be sent via jet aircraft to Sea World of Florida.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Director is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Documents submitted in connection with this application are available for public inspection during normal business hours at the Bureaus' office in Suite 600, 1612 K Street NW., Washington, D.C., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208.

Interested persons may comment on this application by appearing at the hearing referred to above to present oral or written views, or by submitting written data or views, preferably in triplicate to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All revelant comments received no later than April 26, 1974, will be considered.

Dated: March 15, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-6548 Filed 3-20-74;8:45 am]

Office of Oil and Gas

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting:

The National Petroleum Council will meet at 9:00 a.m. on March 29, 1974, in the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. The agenda will include interim and progress reports on current studies relating to the following topics:

1. Energy conservation—interim report.
2. Emergency preparedness (materials and manpower requirements for petroleum exploration, drilling and production)—status report.
3. Emergency preparedness (impact of embargoes on oil shipments by Arab nations)—status report.
4. U.S. petroleum storage capacity—status report.
5. Petroleum resources under the ocean floor—status report.

The meeting will be open to the public. Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Oil and Gas, Department of the Interior at the Federal Energy Office, Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C., telephone number 961-8601.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

ROBERT L. PRESLEY,
Assistant Director, Emergency Preparedness Office of Oil and Gas, Department of the Interior.

MARCH 19, 1974.

[FR Doc.74-6748 Filed 3-20-74;10:12 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COHUTTA MOUNTAINS PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cohutta Mountains Planning Unit, Chattahoochee National Forest, USDA-FS-R8-DES (Adm.)-74-3.

This environmental statement concerns the proposed management direction and resource allocation for a portion of the Chattahoochee National Forest, known as the Cohutta Mountains Planning Unit.

This draft environmental statement was transmitted to CEQ on March 12, 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

USDA, Forest Service
1720 Peachtree Road, NW., Room 804
Atlanta, Georgia 30309

A limited number of single copies are available upon request to Vaughn H. Hofeldt, Forest Supervisor, Chatta-

hoochee-Oconee National Forest, P.O. Box 1437, Gainesville, Georgia 30501.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Vaughn H. Hofeldt, Chattahoochee-Oconee National Forest, Gainesville, Georgia 30501. Comments must be received by May 8, 1974 in order to be considered in the preparation of the final environmental statement.

HANS R. RAUM,
Program Director.

[FR Doc.74-6562 Filed 3-20-74;8:45 am]

PROPOSED MANAGEMENT DIRECTION FOR THE CEDAR CREEK PURCHASE UNIT OF THE CLARK NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Proposed Management Direction for the Cedar Creek Purchase Unit of the Clark National Forests, National Forests in Missouri, USDA-FS-R9-DES-(Adm)-74-5.

The environmental statement concerns the environmental effects of proposed management direction for the Cedar Creek Purchase Unit in Boone and Callaway Counties, Clark National Forest, National Forests in Missouri.

This draft environmental statement was filed with CEQ on March 15, 1974.

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

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

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
National Forests in Missouri
Rolla, Missouri 65401

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401. Written comments must be received by May 14, 1974, in order to be considered in the preparation of the final environmental statement.

J. H. CRAVENS,
Regional Forester, Eastern Region.

[FR Doc.74-6560 Filed 3-20-74;8:45 am]

MANTI DIVISION G-10 ADVISORY BOARD

Notice of Meeting

The Manti Division G-10 Advisory Board will hold its annual meeting on April 2, 1974.

The meeting will be held beginning at 1:30 p.m. in Room 211 of the Administration Building, College of Eastern Utah.

The meeting agenda will cover the following specific topics:

1. Proposed change in Forest Commensurability Standards.
2. Brief review of new mining laws.
3. Status of Land Use Planning on Manti-LaSal National Forest.
4. Expected Forest financing for fiscal year 1975, including possibility of accelerated range program.
5. New areas administered by Manti-La-Sal.
6. Change of annual meeting date to a more convenient date.

This meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the Board at anytime during the discussion.

Persons desiring additional information on the meeting should contact Forest Supervisor George McLaughlin, MantiLaSal National Forest, 350 East Main Street, Price, Utah 84501.

GEORGE F. MCLAGUHLIN,
Forest Supervisor.

MARCH 12, 1974.

[FR Doc.74-6508 Filed 3-20-74;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council met on Friday, February 22 at 9:30 a.m. in Room 105 of the State Capitol Building in Salem. This was a continuation of the February 1, 1974, meeting held in Corvallis, which recessed to be reconvened at a later date. The purpose of the meeting was to enlist the Council's help and advice in reviewing the wilderness suitability report and developing a proposed management alternative for the Oregon Dunes National Recreation Area. No recommendation was made by the Council on wilderness suitability. Several suggestions were made by Council members on a proposed management alternative for the entire NRA.

The meeting was open to the public. Written statements are permitted to be filed with the committee after the meeting. Members of the public present were: Bob Pfohman, Capital Journal, Salem; Patricia Noyes, Eugene; Joe Walicki, Wilderness Society, Eugene.

F. DALE ROBERTSON,
Forest Supervisor.

MARCH 13, 1974.

[FR Doc.74-6546 Filed 3-20-74;8:45 am]

ENVIRONMENTAL STATEMENT, LAKE TAHOE BASIN

Extension of Comment Period

On August 29, 1973, the Forest Service, Department of Agriculture, filed with the Council on Environmental Quality a draft environmental statement for the proposed General Plan for Management of National Forest Lands in the Lake Tahoe Basin, USDA-FS-DES(Adm) 74-23, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Notice of availability of this draft environmental statement was published in the FEDERAL REGISTER on September 13, 1973 (38 FR 25459). Comments were requested within 90 days of filing with CEQ.

Because of continued public interest and concerns regarding adequacy of opportunity for public review, the comment period for this draft environmental statement is being re-opened for 45 days, starting March 20, 1974.

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

USDA, Forest Service
South Agriculture Building, Room 3230
14th Street & Independence Ave. SW.
Washington, D.C. 20259.

USDA, Forest Service
California Region
630 Sansome Street, Room 531
San Francisco, California 94111

Eldorado National Forest
100 Forni Road
Placerville, California 95667

Tahoe National Forest
Highway 49
Nevada City, California 95959

Toiyabe National Forest
Charles Mapes Building
111 North Virginia Street
Reno, Nevada 89503

Lake Tahoe Basin Management Unit
1052 Tata Lane
P.O. Box 8465
South Lake Tahoe, California 95731

A limited number of single copies are available upon request to Administrator, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, California 95705.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, at a cost of $13.00 each. Please specify NTIS Accession No. EIS–CA–73–1443–D when ordering.

Copies of the environmental statement were sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Administrator, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, California 95705. Comments must be received by May 6, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: March 14, 1974.

RICHARD M. POMEROY,
Acting Regional Forester,
California Region.

[FR Doc.74–6463 Filed 3–20–74;8:45 am]

ROUTT NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Routt National Forest Multiple Use Advisory Committee will meet at 9:30 a.m., April 4, 1974 in the meeting room at the Yampa Valley Electric Association Building, 32 Tenth Street, Steamboat Springs, Colorado.

The purpose of this meeting is to: Discuss objectives of the committee, membership tenure, environmental education, land use planning, off-road travel restrictions and the Hayden-Ault 345 K.V. Transmission Line.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 1198, Steamboat Springs, Colorado 80477, phone number 303–879–1722. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The chairman will provide time for the public to present oral statements and ask questions at the conclusion of the business meeting.

Dated: March 13, 1974.

W. B. METCALF,
Forest Supervisor.

[FR Doc.74–6558 Filed 3–20–74;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 4923]

GILES LOWERY STOCKYARDS, INC., d/b/a BAY CITY LIVESTOCK COMMISSION CO.

Notice of Complaint, Order of Suspension, and Hearing

In re: Giles Lowery Stockyards, Inc. d/b/a Bay City Livestock Commission Company, Bay City, Texas—Respondent.

Notice is hereby given that on February 21, 1974, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective March 15, 1974. The proposed amended tariff reads as follows:

Section A—Commission: 3 percent—of sale price of all livestock consigned.

Section B—Yardage: 35¢ a head—cattle; 25 percent a head—sheep, goats & hogs; 50¢ a head—horses & mules.

Section C—Feed: $1.50 for hay; $4.50 for sack feed.

Section D—Special Services: Weighing (other than sale day) 35¢ head.

Notice is given hereby also that on March 13, 1974, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I

The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Giles Lowery Stockyards, Inc. d/b/a Bay City Livestock Commission Company, Bay City, Texas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II

In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III

On February 21, 1974, the respondent filed a tariff effective March 15, 1974, containing certain increases in the current rates and charges.

IV

Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V

It is concluded therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on February 21, 1974, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on February 21, 1974, to become effective on March 15, 1974, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. on or before April 10, 1974.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., March 18, 1974.

MARVIN L. MCLAIN,
Administrator, Packers
and Stockyards Administration.

[FR Doc.74–6601 Filed 3–20–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[BDC Del. 4, formerly BDSA–NPA Del., 9, February 26, 1951—Revocation]

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN INDUSTRIAL CHEMICALS USED PRINCIPALLY IN THE PETROLEUM INDUSTRY

Revocation

MARCH 11, 1974.

BDC Del. 4, February 26, 1951 (16 FR 1908) is hereby revoked. The authority

over the production and distribution of industrial chemicals as delegated by BDC Del. 4 has been incorporated in a Memorandum of Agreement (38 FR 30896) between the Department of the Interior and the Department of Commerce with respect to certain products and equipment, including chemicals, associated with the output of petroleum and gas.

BUREAU OF DOMESTIC COMMERCE,
GARY M. COOK,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-6466 Filed 3-20-74;8:45 am]

Maritime Administration

[Docket No. S-411]

SPRUCE SHIPPING CO.

Notice of Application for Operational Differential Subsidy

Notice is hereby given that Spruce Shipping Company has filed an application dated March 7, 1974, for operating-differential subsidy on three (3) tankers (to be constructed) of approximately 89,700 deadweight tons each. Said vessels will operate generally from ports in the Persian Gulf, Borneo, Indonesia, and possibly South America to Hawaiian and United States West Coast ports in the carriage of crude oil, and may be operated in other worldwide service in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a. This application supersedes the operating-differential subsidy application of November 9, 1973, filed by Hawaiian International Shipping Corporation, notice of which was published in the FEDERAL REGISTER of December 17, 1973 (38 FR 34680).

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before April 5, 1974, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign ocean-borne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11,504 Operating-Differential Subsidy (ODS))

Dated: March 18, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6603 Filed 3-20-74;8:45 am]

National Bureau of Standards

MEN'S PAJAMA SIZES, ET AL.

Action on Proposed Withdrawal of Commercial Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the following Commercial Standards:

CS 15-46, "Men's Pajama Sizes (Made from Woven Fabrics)"
CS 137-51, "Size Measurements for Men's and Boys' Shorts (Woven Fabrics)"
CS 166-50, "Size Measurements for Men's Work Trousers"
CS 187-52, "Men's Work Shirt Sizes"

It has been determined that these standards are no longer used to any significant extent. Therefore, their continued maintenance in the Department's Voluntary Product Standards inventory would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing the FEDERAL REGISTER of January 25, 1974 (39 FR 3301), to withdraw these standards.

The effective date for the withdrawal of these standards will be on or before May 20, 1974. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6552 Filed 3-20-74;8:45 am]

EXPANDED VINYL FABRICS FOR UPHOLSTERY USE, AND VINYL- AND PYROXYLIN-COATED COTTON FABRICS

Action on Proposed Withdrawal of Voluntary Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 273-65, "Expanded Vinyl Fabrics for Furniture Upholstery Use" and Simplified Practice Recommendation R 242-53, "Vinyl- and Pyroxylin-Coated Cotton Fabrics." It has been determined that these standards are no longer used to any significant extent. Therefore, their continued maintenance in the Department's Voluntary Product Standards inventory would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of January 17, 1974 (39 FR 2119), to withdraw these standards.

The effective date for the withdrawal of these standards will be on or before May 20, 1974. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6554 Filed 3-20-74;8:45 am]

VITREOUS CHINA PLUMBING FIXTURES

Notice of Intent To Withdraw Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 20-63, "Vitreous China Plumbing Fixtures." It has been tentatively determined that this standard is no longer technically adequate and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before April 22, 1974. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6553 Filed 3-20-74;8:45 am]

Patent Office

CUBA

Filing of Patent Applications

The U.S. Patent Office has been officially notified by the Department of State that the Government of Cuba has, under Order No. 74/05 of September 10, 1973,

dismissed Jose A. Lanza Pujadas, Jose Jorge A. Ameller Escobar, Alberto Carmona Caraballo and Adolfo Gonzalez Rodriguez as Official Patent Agents for the preparation and prosecution of patent applications in Cuba.

A non-extendable period ending on March 31, 1974, was granted to natural or juristic persons residing abroad who have filed applications through these persons for the purpose of designating a new agent to represent them, to appear at any proceeding in progress, and to continue handling their applications.

All applications for which a new agent is not appointed by the above date will be considered as abandoned.

Dated: March 13, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

[FR Doc.74-6551 Filed 3-20-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NADA No 39-401V]

HOFFMAN-TAFF, INC.

Breeder Premix Medicated; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Hoffman-Taff, Inc., P.O. Box 1246 S.S.S., Springfield, MO 65805, has requested that its NADA (new animal drug application) No. 39-401V be withdrawn in accordance with § 135.28(d) (21 CFR 135.28(d)) on the ground that the drug is not being marketed. Notice is given that approval of NADA No. 39-401V for Breeder Premix Medicated, which contains hydromycin B, bacitracin methylene disalicylate, and procaine penicillin, is hereby withdrawn.

This notice shall be effective March 21, 1974.

Dated: March 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-6473 Filed 3-20-74;8:45 am]

National Institute of Education

INFORMATION CENTER

Location and Adoption of Fee Schedule for Special Information Services

Notice is given herein of the new location of the National Institute of Education (NIE) Information Center and of adoption of a fee schedule for special information services.

The Department of Health, Education, and Welfare published on August 17, 1973, amendments to Part 5 of Subtitle A of Title 45 of the Code of Federal Regulations. (38 FR 22230) The location shown for the NIE Information Center at § 5.31 of the amended regulation is no longer accurate. The new location is Room 720-B, 1200 19th St., NW (Brown Building), Washington, D.C. 20208.

The Department's Public Information Regulation is applicable to NIE with the exception of § 5.61 Fee schedules, which applies only to the Office of the Secretary. Pursuant to 5 U.S.C. 552, the Director of NIE herewith adopts the fee schedule shown below.

Fee schedule. The fee schedule for the National Institute of Education is as follows:

(a) Search for records—$3 per hour; provided however that no charge will be made for the first one-half hour.

(b) 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 photo-copying, e.g. punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

(c) Certification or authentication of records—$3 per certification or authentication.

(d) Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

It is ordinarily the policy of NIE to provide opportunity for public comment prior to publication of final rules. However, since the provision adopted is identical to the Department's, which has been published after public comment, the Director finds that public participation in rule making in this case is unnecessary.

(Catalog of Federal Domestic Assistance Program No.—13.575, Educational Research and Development.)

Dated: March 12, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74-6534 Filed 3-20-74;8:45 am]

SUPPORT FOR INTERPRETIVE STUDIES ON EDUCATIONAL RESEARCH AND DEVELOPMENT

Notice of Proposed Funding Activity

Notice is hereby given that pursuant to section 405 of the General Education Provisions Act, the National Institute of Education (NIE) intends to open a competition for awards in fiscal year 1974 for preparation of interpretive studies on educational research and development.

Funds will be awarded for the support of studies which synthesize and interpret the existing research and development knowledge on significant educational topics and problem areas. The purpose of the program is to provide practitioners and decision-makers in the educational community with research and development findings and validated current practice information for improving existing school programs or implementing new ones.

Proposals will be solicited for studies on topics perceived by the educational community as relevant to its problems and current interests. The proposer will identify the educational topic to be surveyed and present a sound rationale and need therefor. The proposal must show evidence of an existing body of research and related information on the topic, and it must demonstrate existence of the capability and resources to interpret this information in a scientifically respectable manner. The outcome is expected to be a professionally sound report on the study (approximately 100 double-spaced, typewritten pages) suitable for publication and national dissemination.

Scope. Proposals submitted under the proposed competition should be consistent with the following characteristics. These points suggest the scope of a study and its resulting report; they are not intended as an exact prescription for prospective applicants to follow:

1. Be targeted to the information needs of specific identified audiences—e.g., administrators, teachers, specialists, school boards, professors, or teacher trainers.

2. Describe the key research and development findings in the subject area.

3. Describe the operational constraints that may impinge upon the use of such findings in practice.

4. Identify and describe relevant ongoing programs, practices, and materials that show evidence of having improved or facilitated the learning process.

5. Present necessary cautions for those considering adoption/adaptation of specific educational innovations in the subject area (e.g., lack of evidence of long-term effectiveness, or equipment needed is changing rapidly in design and sophistication or is prohibitive in cost).

6. Discuss risk versus gain involved in adopting/adapting each innovation.

7. Discuss practices that should be avoided.

8. Present, wherever possible, alternative theories or solutions to a problem in practice so that a decision-maker may select the alternative or combination of alternatives most likely to succeed within the constraints and resources of a particular educational setting.

9. Identify and describe any exemplary demonstration projects applying research results in the subject area.

10. Give reasons based on research evidence and related information for the success—or lack of it—of these projects, and discuss the local conditions that should exist before such projects are attempted in other education settings.

11. Provide, depending upon the audience and the topic surveyed, cost data, planning guidelines, decision models, instructional techniques and materials, sources of additional information, evaluation techniques, and other information relevant to the topic.

Eligibility. Proposals for awards may be submitted by State and local education agencies, institutions of higher edu-

cation, professional associations, and other public and private, profit and nonprofit organizations, and individuals.

Priority topics or problem areas. Following is a list of suggested priority topics identified by educators as relevant to their needs. The topics are not intended to be prescriptive; rather, proposers are expected to delimit or broaden the scope of a topic as they deem necessary for their interpretive study. Also, although applicants are encouraged to develop proposals based on this list, they may submit proposals in other topical areas.

TESTING, MEASUREMENT, AND EVALUATION

The process of evaluating administrators, teachers, programs, and curriculums.

Instruments for measuring cognitive and noncognitive performance, K–12.

Assessing and reporting pupil progress: alternative grading systems.

EARLY CHILDHOOD EDUCATION

The longitudinal effects of early childhood education on learning: cognitive and affective.

State standards, certification, and comparative costs of early childhood education.

Programs for developing prereading and beginning reading skills.

SCHOOL FINANCE

Alternative methods of funding special education programs (handicapped, compensatory, bilingual, migrant, etc.).

Funding strategies for providing equal educational opportunities within a State.

Models of effective school finance programs, e.g., the coordination of local, State, and Federal funds.

INDIVIDUALIZING INSTRUCTION

Alternative approaches to individualizing instruction.

CAREER DEVELOPMENT

Responsiveness of career education programs, K–12, to manpower needs and the job market.

The roles of community groups in planning and implementing career education programs, and techniques for their involvement.

TEACHER EDUCATION

The redesign of teacher education programs for emerging needs (e.g., introduction of the metric system).

Preservice and inservice techniques for changing teacher behavior and attitudes.

Competency-based teacher education programs.

STUDENT LEARNING

The effects of motivation and attitudes on student learning.

Techniques for matching teaching styles with student learning styles.

Effective programs for developing students' problem-solving skills for living.

Techniques for coping with student learning problems.

ADULT AND CONTINUING EDUCATION PROGRAMS

Techniques for retraining adults for career changes.

Staff development programs for teachers of adults.

Effective basic education programs for adults.

EQUAL EDUCATIONAL OPPORTUNITIES

Characteristics of effective compensatory education programs.

The effects of mainstreaming handicapped students into the "regular" classroom.

Basic skills programs for the disadvantaged.

The effects of sexism/racism on learning and achievement.

Bilingual/bicultural education programs and practices.

Alternative approaches to racial and sexual equality of opportunity in classroom and nonclassroom settings.

NEW APPROACHES TO EDUCATION

Alternative schools, programs, and classroom practices for more effective learning (e.g., year-round schools, open education, multigraded classrooms, etc.): an analysis and evaluation.

PLANNING

Needs assessment techniques for planning at the State and district levels.

Coordination and utilization of Federal, State and local resources in planning.

Citizen participation in planning for educational improvement at the local level.

Project parameters and scheduling. Applicants should design projects requiring approximately 6 months to complete. A project would require the equivalent of 4 person-months of professional staff in addition to the necessary secretarial support and travel to gather information, e.g., to selected school sites operating promising programs in the subject area, and for audience involvement.

Although awards will be made prior to June 30, 1974, projects may be started as late as September 1, 1974. Four months following the start date, a draft of the interpretative study report will be due in NIE for review. The remaining time in the grant period will be devoted to revising and strengthening the report on the basis of suggestions of the reviewers. The final report should be received in NIE on or before the expiration of the grant period.

Approximately ten awards will be made. The deadline for receipt of proposals is expected to be April 23, 1974.

This notice is published for general information purposes and not to solicit proposals. Final regulations on this activity will be published in the FEDERAL REGISTER.

For additional information, please write or contact:

Mildred J. Thorne
Office of Dissemination and Resources
National Institute of Education
Washington, D.C. 20208
Telephone: (202) 254–5560

(Catalog of Federal Domestic Assistance Program No. 13.575, Educational Research and Development.)

Dated: March 13, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74–6536 Filed 3–20–74;8:45 am]

SUPPORT FOR RESEARCH IN LOCAL PROBLEM-SOLVING

Notice of Proposed Funding Activity

Notice is hereby given that pursuant to section 405 of the General Education Provisions Act, the National Institute of Education (NIE) intends to open a competition for awards in fiscal year 1974 to study the potential of various organizational arrangements for helping urban schools sustain a process of continuous improvement. The NIE Research Program on Organizational Strategies for School Improvement will (1) initially provide grants to support the further development or extension of programs for accomplishing the above objective, and (2) under a separate competition in fiscal year 1975, contract for documentation and evaluation analyses of these grant-supported projects in order to develop generalizable information which NIE can use to assist other schools considering similar programs.

Under the grant competition, the Institute will invite proposals to support the further development of organizational arrangements—internal and/or external to an urban school or cluster of schools—that will encourage and enable people in the school(s) to engage in an ongoing process of "problem-solving," which might consist of the following general elements:

Problem identification.

Searching for or devising appropriate solutions to those problems.

Implementing those solutions in effective ways.

Monitoring performance, assessing the effectiveness of particular solutions, and when appropriate, redefining the problems.

Under the separate contract(s) for documentation and evaluation, information will be collected from the grant-supported projects about the effectiveness of their organizational models. This information will be used to assist policy formulation at the Federal, State, and local levels; to advance current knowledge about the dynamics of organizational change and about strategies for improving urban schools; and to help people in school systems and local communities establish or adapt similar arrangements appropriate to local conditions.

Among the strategies that may be proposed for grant assistance under this program are interventions based outside the school such as teacher centers, advisories, information and resource services; and organizational changes within the school such as new governance systems, staffing and scheduling patterns, and other structural arrangements that provide incentives and opportunities for school staffs to continuously improve their performance.

Because of the limited funds available, proposals will be invited which extend, refocus, or add new components to existing activities or organizational arrangements. Proposals from these existing programs may request funds to extend their current activities, to develop a formative evaluation component, to train additional staff, and to provide technical assistance to other groups or individuals. Funds under this program are not intended to support the core staff of a project or to provide other basic operational costs.

State and local education agencies, colleges, universities, and other profit or non-profit organizations are eligible for awards. However, the program proposed must be targeted at a public school or cluster of schools having at least a 50 percent enrollment of students from low-income families. These schools must be located in one of the nation's fifty largest

cities as indicated in Table 66, General Population Characteristics, United States Summary, 1970 Census of the United States. These cities are listed below.

Atlanta, Georgia
Baltimore, Maryland
Birmingham, Alabama
Boston, Massachusetts
Buffalo, New York
Chicago, Illinois
Cincinnati, Ohio
Cleveland, Ohio
Columbus, Ohio
Dallas, Texas
Denver, Colorado
Detroit, Michigan
El Paso, Texas
Fort Worth, Texas
Honolulu, Hawaii
Houston, Texas
Indianapolis, Indiana
Jacksonville, Florida
Kansas City, Missouri
Long Beach, California
Los Angeles, California
Louisville, Kentucky
Memphis, Tennessee
Miami, Florida
Milwaukee, Wisconsin
Minneapolis, Minnesota
Nashville-Davidson, Tennessee
Newark, New Jersey
New Orleans, Louisiana
New York City, New York
Norfolk, Virginia
Oakland, California
Oklahoma City, Oklahoma
Omaha, Nebraska
Philadelphia, Pennsylvania
Phoenix, Arizona
Pittsburgh, Pennsylvania
Portland, Oregon
Rochester, New York
St. Louis, Missouri
St. Paul, Minnesota
San Antonio, Texas
San Diego, California
San Francisco, California
San Jose, California
Seattle, Washington
Tampa, Florida
Toledo, Ohio
Tulsa, Oklahoma
Washington, D.C.

Table 66 "excludes Puerto Rico and outlying areas." Nonetheless, the following cities, on the basis of their population, are also eligible under this competition:

San Juan, Puerto Rico

NIE anticipates supporting the projects for a period of three years. Each project will be funded initially for twelve months, with further funding (not to exceed two additional years) contingent on the availablity of funds and NIE approval of the grantee's continuation proposal. Six to ten awards will be made in fiscal year 1974, with an aggregate funding total of approximately $800,000 for the first year of operation of the projects. The deadline for receipt of proposals is expected to be April 22, 1974.

This notice is published for general information purposes and not to solicit proposals. Final regulations on this activity will be published in the FEDERAL REGISTER.

For additional information, please write or contact:

Ms. Judith Cherrington
Priority on Local Problem-Solving
Room 628
National Institute of Education
Washington, D.C. 20208
Telephone 202/254-9497

(Catalog of Federal Domestic Assistance Program No.-13.575, Educational Research and Development.)

Date: March 13, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74-6535 Filed 3-20-74;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, April 25 and 26, 1974, National Institutes of Health, Westwood Building Conference Room C. This meeting will be open to the public on April 25, from 9:00 a.m. until 9:30 a.m., to discuss administrative matters relating to the allergy and immunology research programs of the Institute. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 25 from 9:30 a.m. until adjournment on April 26 to discuss and evaluate institutional fellowship grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, telephone 496-5717, will provide summaries of meetings and rosters of committee members.

Dr. Luz A. Froehlich, Executive Secretary of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, Bethesda, Maryland, telephone 496-7131 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.301, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6480 Filed 3-20-74;8:45 am]

BIOHAZARD CONTROL AND CONTAINMENT WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biohazard Control and Containment Working Group, National Cancer Institute, April 11, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:00 to 9:30 a.m., to discuss the past year's progress in Biohazard Control. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to adjournment for the discussion and review of contract proposals in the fields of viral oncology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members. Dr. Garrett V. Keefer, Executive Secretary, Building 550, Frederick Cancer Research Center, Frederick, Maryland 21701 (301/663-7305) will provide substantive program information.

(Catalogs of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6476 Filed 3-20-74;8:45 am]

BIOLOGY AND IMMUNOLOGY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biology and Immunology Segment Advisory Group, National Cancer Institute, April 19, 1974, 9:00 a.m. to 3:00 p.m., National Institutes of Health, Building 37, Conference Room 3A15. This meeting will be open to the public from 2:00 to 3:00 p.m. to discuss possible new activities of the Biology and Immunology Segment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 2:00 p.m. to discuss and review seven contracts and one new proposal in the field of biology and immunology of cancer in accordance with the provisions set forth in section 552 (b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Virginia C. Dunkel, Executive Secretary, Landow Building, Room A-306, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5471) will provide substantive program information.

(Catalog of Federal Domestic Assistant Program No. 13.825, National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6483 Filed 3-20-74;8:45 am]

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, April 22–24, 1974, 8:30 a.m. to 5:00 p.m., National Institutes of Health, Building 31C, Conference Room 6. This meeting will be open to the public from 8:30 a.m. to 1:00 p.m., April 22, to discuss program and operating procedures of the Cancer Clinical Investigation Review Committee. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:00 p.m., April 22, until adjournment April 24, to review grant applications in the fields of clinical research, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

John E. Lane, Executive Secretary, Westwood Building, Room 10A11, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7903) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6481 Filed 3–20–74;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 20, 1974, at 9:00 a.m., in the Century Suite, Holiday Inn, West Palm Beach, Florida. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 20, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 20 to adjournment, to discuss and evaluate research grant application in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Westwood Bldg., Room 7A16A, Bethesda, Maryland, telephone 496–7725, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6486 Filed 3–20–74;8:45 am]

DEVELOPMENTAL RESEARCH WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Developmental Research Working Group, National Cancer Institute, April 15, 1974, 9:00 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., April 15, 1974, to discuss Segment program objectives and management practices. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to adjournment, April 15, 1974, to review four contracts in the fields of RNA and DNA tumor virus biochemistry and biology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B14, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3323) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6479 Filed 3–20–74;8:45 am]

IMMUNOLOGY-EPIDEMIOLOGY WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Immunology-Epidemiology Working Group, National Cancer Institute, April 18–19, 1974, 8:30 a.m., National Institutes of Health, Building 37, Conference Room 1B–04. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 18, 1974, to discuss future plans of the Immunology-Epidemiology Segment, and closed to the public from 9:30 a.m. to 5:00 p.m., April 18–19, 1974, to review approximately five contracts in the field of viral immunology and epidemiology in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A–16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Clarice Gaylord, Executive Secretary, Landow Building, Room C–306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6085) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6477 Filed 3–20–74;8:45 am]

LUNG CANCER SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Lung Cancer Segment Advisory Group, National Cancer Institute, April 29, 1974, 8:30 a.m. to 4:00 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 3:00 to 4:00 p.m. to discuss possible new activities of the Lung Cancer Segment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 3:00 p.m. to discuss and review three contracts in the field of lung cancer in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Carl E. Smith, Executive Secretary, Landow Building, Room A–306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5471) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health).

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6484 Filed 3–20–74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 27 and 28, 1974, at 9:00 a.m., in the Tudor Room Sir Francis Drake Hotel, San Francisco, California. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 27, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 27 to adjournment on April 28, to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A03A, Bethesda, Maryland, telephone 496–7003, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6485 Filed 3–20–74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 27 and 28, 1974, at 9:00 a.m., in the Delmonte Room, Sir Francis Drake Hotel, San Francisco, California. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 27, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 27 to adjournment on April 28, to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552 (b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03B, Bethesda, Maryland telephone 496–7326, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Date: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6487 Filed 3–20–74;8:45 am]

SOLID TUMOR VIRUS WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Solid Tumor Virus Working Group, National Cancer Institute, April 22–23, 1974, 9:00 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:20 a.m., April 22, for the Chairman's opening remarks. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:20 a.m. to 5:00 p.m., April 22 and from 9:00 a.m. to 5:00 p.m., April 23, to review seven contracts in the fields of molecular virology, molecular biology, epidemiology, immunology, biochemistry and viral oncology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Ms. Harriet L. Streicher, Executive Secretary, Building 37, Room 2D24, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3301) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6478 Filed 3–20–74;8:45 am]

THERAPEUTIC EVALUATIONS COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Therapeutic Evaluations Committee, National Heart and Lung Institute, April 29–30, 1974, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public on April 29 from 8:30 a.m. to 9:30 a.m. to discuss the minutes of the January 30 meeting and subsequent Council actions on Committee recommendations, an administrative report, and an interim report. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 29 from 9:30 a.m. to adjournment on April 30 to review research grant applications and contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

The Information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. Hugh Jackson, National Heart and Lung Institute, Room C918, Landow Building, phone 496–4236.

The Executive Secretary from whom substantive information may be obtained is Dr. Elliot M. Wortzel, NHLI, Room 653A, Westwood Building, phone 496–7351.

(Catalog of Federal Domestic Assistance Program Nos. 13.346 and 13.826, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6482 Filed 3–20–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–74–273]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

The Assistant Secretary for Administration is authorized to exercise the power and authority of the Secretary to execute and issue on the Secretary's behalf notes and other obligations issued to the Secretary of the Treasury to finance program activities authorized by the College Housing Program (Pub. L. 81–475, title IV, section 401, 12 U.S.C. 1749); Public Facility Loans Program (Pub. L. 84–345, title II, section 202, 42 U.S.C. 1493); Urban Renewal Program (Pub. L. 81–171, title I, section 102, 42 U.S.C. 1452); and Flood Insurance Program (Pub. L. 90–448, title VIII, section 1309, 42 U.S.C. 2414(e) and 4016).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This delegation of authority shall be effective March 21, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–6571 Filed 3–20–74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice

is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11:00 a.m. on March 27, 1974 in the Hughes Room, National Lawyers Club, 1815 H Street, NW., Washington, D.C.

The Committee will meet to consider a report and proposed recommendation regarding Department of the Interior procedures affecting mining claims on public lands.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeting contact George P. Smith, Suite 500, 2120 L Street, NW., Washington, D.C. 20037 or phone 202–254–7065. Minutes of the meeting will be available on request.

Dated: March 15, 1974.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.74–6556 Filed 3–20–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON NAVAL REACTORS

Notice of Meeting

MARCH 18, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Naval Reactors will hold a meeting on March 27, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is naval nuclear propulsion safety matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the discussion at the meeting will consist of classified matters which fall within exemptions (1) and (3) of 5 U.S.C. 552 (b) and it is essential to close this meeting to protect the discussion of these classified matters.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–6667 Filed 3–20–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

MARCH 18, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on April 10, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss Regulatory Staff drafts of the following proposed Regulatory Guides in Division 1 of the Regulatory Guide series.[1]

(1) Proposed Revision 2 of Regulatory Guide 1.3, Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors, Draft 1.

(2) Proposed Revision 2 of Regulatory Guide 1.4, Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Pressurized Water Reactors, Draft 1.

(3) Proposed Regulatory Guide 1.XX, Preoperational Testing of Instrument Air Systems, Draft 1.

(4) Proposed Revision 1 of Regulatory Guide 1.21, Measuring, Evaluating and Reporting Radioactivity in Solid Wastes and Releases of Radioactivity in Liquid and Gaseous Effluents from Light-Water Nuclear Power Plants, Draft 2.

(5) Proposed Regulatory Guide 1.XX, Inservice Inspection of Steam Generator Tubes, Draft 2.

(6) Proposed Regulatory Guide 1.XX, Collection, Storage and Maintenance of Nuclear Power Plant Quality Assurance Records, Draft 1.

(7) Proposed Revision 1 of Regulatory Guide 1.26, Quality Group Classifications and Standards for Water-, Steam-, and Radioactive Waste-Containing Components of Nuclear Power Plants, Draft 1.

(8) Proposed Regulatory Guide 1.XX, Construction Criteria for Class I Components in Elevated Temperature Reactors, Draft 1.

(9) Proposed Regulatory Guide 1.XX, Sumps for Emergency Core Cooling and Containment Spray Systems, Draft 1.

(10) Proposed Revision 1 of Regulatory Guide 1.35, Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures, Draft 1.

(11) Proposed Regulatory Guide 1.XX, Code Case Acceptability—ASME Section III Design and Fabrication, Draft 1.

(12) Proposed Regulatory Guide 1.XX, Code Case Acceptability—ASME Section III Materials, Draft 2.

(13) Proposed Regulatory Guide 1.XX, Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Hazardous Chemical Release, Draft 3.

(14) Proposed Regulatory Guide 1.XX, Protection Against Postulated Piping Failures in Fluid Systems Outside of Containment, Draft 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, April 10, 1974, 9:00 a.m. until the conclusion of business.

Discussion with representatives of the AEC Regulatory Staff regarding the proposed Regulatory Guides which are agenda items.

In connection with the above agenda items, the Subcommittee may hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to exchange opinions and formulate recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee and any of its consultants that may be required will meet in closed session with members of the Regulatory Staff for the purpose of discussing a Regulatory Staff working paper concerning requirements for instrumentation to assess plant conditions during and following an accident.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the above-noted closed sessions will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and the closed session with the Regulatory Staff will also involve discussion of a Regulatory Staff working paper which falls within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to the public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Comments for consideration at this meeting should be postmarked no later than April 3, 1974. Such comments shall be based upon the subject matter of the proposed Regulatory Guides which are agenda items and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Single copies of drafts of proposed Regulatory Guides to be discussed in open session at this meeting may be obtained directly upon request to the Director of Regulatory Standards.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on April 10, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time

[1] It is possible that one or more of these draft guides may be removed from the agenda prior to the meeting. It is therefore advisable to contact the Office of the Executive Secretary as specified in subparagraph (d) for any changes to the agenda.

available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 9, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after June 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory,
Committee Management Officer.

[FR Doc.74–6668 Filed 3–20–74;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the "Proposed Issuance of Changes to Technical Specifications of Facility Operating License", as published by the Commission on February 7, 1974 (39 FR 4798), in regard:

Boston Edison Co. (Pilgrim Nuclear Power Station) Docket No. 50–293; Facility Operating License No. DPR–35.

The members of the Board are:

Edward Luton, Esq., Chairman
Dr. A. Dixon Callihan
Dr. M. Stanley Livingston

Dated at Washington, D.C., this 15th day of March 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74–6530 Filed 3–20–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

MARCH 19, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Emergency Core Cooling Systems will hold a meeting on March 28, 1974 in Room 1062, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is the Regulatory Staff plan for review of vendor models formulated to meet ECCS criteria.

The Subcommittee is meeting with their consultants and Regulatory Staff participants as part of the process of formulation of recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74–6751 Filed 3–20–74;10:39 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26509]

CHARTER REGULATIONS APPLICABLE TO FOREIGN ROUTE AIR CARRIERS

Order To Show Cause

MARCH 15, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March, 1974. Virtually all foreign air carriers authorized to engage in scheduled route service hold permits authorizing them to engage in charter air transportation, "subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations." Part 212 imposes significant restrictions on both "on-route"[1] and "off-route" charter operations.[2]

With the exception of recent amendments to Part 212, the charter regulations are basically an outgrowth of the *Foreign Off-Route Charter Service Investigation*, 27 CAB 196 (1958). Thus, in large part they reflect charter conditions as they existed more than fifteen years ago. Prior to the *Off-Route Charter Investigation*, only on-route charters were authorized to foreign scheduled carriers, and this authorization was considered only incidental to the general authority of the foreign air carrier to engage in scheduled transportation of passengers, property and mail between the points on its authorized route. Similarly, the authority granted to foreign carriers to perform off-route charters in the *Off-Route Charter Investigation* was considered as a right incidental to the primary rights to perform scheduled route service, and the grant of such authority was not considered of major economic significance. Rather, the primary purpose of the *Off-Route Charter Investigation* was to provide a means for the grant of what were then considered rather insignificant ancillary rights, without the necessity of subjecting the affected foreign carriers and the Board to the procedural burdens of *ad hoc* foreign air carrier permit amendment proceedings.[3]

In contrast to the majority of scheduled authorizations which have their

[1] An on-route charter is defined in § 212.1 as a charter "performed by a foreign air carrier between points between which it holds authority under a foreign air carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis * * *," includcluding beyond-homeland charters which operate via and land at the homeland terminal point named in the foreign air carrier's permit. An off-route charter consists of any charter which is not within the definition of an "On-route charter trip."

[2] The restrictions applicable to "on-route" charters include (1) a prohibition against providing charter services other than charters as defined in the regulation (§ 212.8); (2) a requirement that prior Board approval be obtained in the form of a Statement of Authorization for wet-lease charter trips performed by a direct air carrier (§§ 212.8(a)(4–a), 212.6(b)(2), 218.3); (3) a prohibition against performing inclusive-tour charters as defined in Part 378 of the Regulations, other than between the homeland of the foreign air carrier and the United States, unless prior aproval in the form of a Statement of Authorization for such service has previously been granted by the Board (§§ 212.8(a)(8), 212.6(b–1); and (4)) a provision pursuant to which the Board may require prior approval of on-route charters, and—subject to Presidential stay or disapproval—may disapprove such charters if it finds such action to be in the public interest (§ 212.4(b)). Every "off-route" charter, in adidtion to complying with the other requirements of Part 212, requires prior approval in the form of a Statement of Authorization (§212.4(a)).

[3] See, Foreign Off-Route Charter Service Investigation, 27 CAB at 197–98.

foundation in the reciprocal grant of rights pursuant to bilateral Air Transport Agreements, charter operations, including on-route charter operations, were not, until recently the subject of bilateral agreements.[4] Thus, the foundation for charter authority must rest upon the principles of comity and reciprocity. Nevertheless, because of the concept of charters as merely ancillary to scheduled service rights, such reciprocity frequently does not exist in fact.

	1963	1972	Percent increase
Total passengers	2,498,000	10,965,000	339
Scheduled passengers	2,155,000	8,342,000	287
Charter passengers	343,000	2,623,000	665

As the Board has heretofore observed,[5] the whole concept of charters and their place in the spectrum of foreign air carrier transportation services has changed enormously since the basic concepts embodied in the present Part 212 charter regulations were formulated. Thus, in 1963, only 13.7 percent of the total transatlantic passenger traffic was attributable to charters. In 1972, only 9 years later, the proportion of passenger charter transportation in the transatlantic market increased 96.2 percent to 24.0 precent of the total transatlantic passenger traffic.[6] Similarly, while total passenger traffic in the transatlantic market has increased 339 percent in the 10-year period between 1963 and 1972, and scheduled passenger traffic increased some 287 percent in this period, charter passenger traffic in the transatlantic market during this period increased some 665 percent, or nearly twice the total passenger movements, and 2⅓ times as much as scheduled passenger movements.[7]

With this enormous growth in charter demand and charter services, there has evolved a corresponding major revolution in the nature of the charter service provided. Thus, at the time of the *Off-Route Charter Investigation*, the Board was considering basically affinity charters, which were open only to individuals who were pre-existing members of a sponsoring organization. Today members of the general public can participate in group charter travel in the form of inclusive-tour charters where the charter group has a common purpose of joint travel and accommodations for a specfic period of time (Inclusive-Tour Charter Regulations, Part 378); or merely as a member of a group which has been formed for the purpose of travel, if the group is formed sufficiently in advance of departure (Travel Group Charter Regulations, Part 372a). In addition, agreements have been entered into with several foreign countries pursuant to which the United States and the foreign party to the agreement agree, within certain limits, to abide by the regulations applicable where the charter originates;[8] and the United States has embarked upon a program of negotiation of bilateral air transport agreements specifically related to charters.[9]

It is therefore apparent that charter authorizations should no longer be considered as rights merely incidental to the scheduled route service of foreign scheduled carriers. Rather, an authorization to provide charter service constitutes a valuable economic right of a nature which is now, and may soon be expected much more commonly to be, the subject of bilateral exchanges of rights. Thus, to the extent that the grant of such authority is based on the principles of comity and reciprocity, the Board is of the view that this Government should insure that reciprocity in fact exists. The Board has therefore determined that its charter regulations should be revised to reflect the changed role of charters, and to provide a solid foundation for such operations on the basis of a bilateral exchange of charter rights, or the existence of reciprocity in fact.

In consideration of the foregoing, the Board tentatively finds that its charter regulations should be revised in accordance with the "Proposed Rule" attached to the notice of proposed rulemaking issued contemporaneously herewith (EDR–264). In principal effect these rules will:

(1) Abolish the distinction between on-route and off-route charters;

(2) Permit foreign route carriers to operate charters only between the carrier's homeland and points in the United States, without prior approval (regardless of whether the charters are performed on or off the carrier's scheduled routes), but subject to (a) a limitation on the number of U.S.-originated charters that may be carried based on a 4 to 3 ratio to the number of homeland-originated charters carried in a calendar year; and (b) a provision which permits the Board to require prior approval of any or all authorized charters if it finds that the public interest so requires.[10]

The present dichotomy between on-route and off-route charters is a product of the original charter regulations which conceived of charter operations as only incidental to scheduled rights. We believe the public can be better served by authorizing, without prior approval, charters between the homeland of the carrier and the points of actual destination of the charter group in the United States. In effect, foreign route carriers will be granted the same freedom of homeland-U.S. charter operations as presently authorized for foreign charter carriers.

The Board will, nevertheless, retain the authority presently incorporated in § 212.4(b) to require prior approval of any or all charters if it finds that the public interest so requires. A failure to approve such a request for prior approval will be made subject to the stay or disapproval of the President of the United States, with respect to those charters that are subject to this requirement under the present regulations.[11]

Conversely, the Board tentatively proposes to authorize only those charters which are performed between points in the homeland of the carrier and points in the United States. Thus, the regulations will not authorize charters neither originating nor terminating in the homeland of the foreign route air carrier (so-called "fifth freedom" charters), or operating via or to points in a third country.[12] The present liberal authorization of such charters creates the potential for many carriers to concentrate their charter development efforts in major markets outside their homeland. The Board believes that the development of charter air transportation, and accordingly the promotion of better service to the public, will be enhanced by encouraging all foreign carriers to concentrate their charter development efforts in charter transportation to and from points in their homeland. Such a

[4] See, On-Route Charter Authority of Foreign Air Carrier Permits, Order 70–7–58; Japan Air Lines, Foreign Air Carrier Permit, Order E–24295, October 14, 1966.

[5] See, IATA Agreements Relating to Charters, Orders 72–3–112 and 72–6–91; On-Route Charter Authority of Foreign Air Carrier Permits, Orders 70–7–58 and 73–1–71; Application of Polskie Linee Lotnicze, Order 72–12–56.

[6] In 1972, the transatlantic charter market represented almost three-fourths of the total U.S. charter market.

[7] The number of transatlantic passengers and percentage increases in 1963 and 1972, were as follows:

[8] Specifically, the United Kingdom (April 2, 1973); Federal Republic of Germany (April 16, 1973); France (May 7, 1973); Ireland (July 2, 1973); and the Netherlands (July 18, 1973).

[9] Such agreements have been signed with Belgium, effective October 17, 1972, and Yugoslavia, effective September 27, 1973; and agreements *ad referendum* have been negotiated with Canada and Jordan.

[10] These proposed revisions will dispose of that portion of the petition of the National Air Carrier Association for rulemaking which remains outstanding. See Order 73–8–11, Docket 24713 (see FR Doc. 74–6566 [14 CFR Part 212]). It also disposes of certain issues in the petition of Certain Trunkline Carriers for Rulemaking, Docket 25674.

[11] In other words, with respect to charters to be performed between points in the homeland of the carrier, and points in the United States which are authorized for scheduled service in the carrier's foreign air carrier permit, the Board will advise the President of its proposed failure to approve any such charter, and such action of the Board may be stayed or disapproved by the President within 10 days of the date of such notification.

[12] An exception will be made for "emergency" charters performed on behalf of another carrier authorized to perform these charters. Such charters, even if not to or from the homeland of the carrier, will be authorized subject to the existing reporting requirements of section 212.14.

program should help to resolve the potential for an excess of charter capacity in presently developed markets, and should encourage development of charter markets which have yet to be developed. Further, the development of charter transportation in this manner will be in conformity with reciprocity, which generally provides a foundation only for operations to or from the homeland of the foreign air carrier.

For similar reasons, the Board has tentatively concluded that a reasonable relationship should be maintained between the carriage of charters originating in the United States and those originating in the homeland of the foreign air carrier. The development of foreign charter markets by a country's national carriers will not be encouraged if foreign carriers concentrate their entire energies toward the carriage of charters originating in the United States. Nor will reciprocity be maintained where the development of a charter market between two countries relies excessively on the carriage of citizens of only one of those countries. Thus, for many years the permits of foreign charter carriers have included the so-called "uplift ratio" pursuant to which such carriers are required to generate at least three foreign-originating charters in their homeland, for each four charters originating in the United States. A similar ratio will be applied here.[13]

The Board recognizes that there will be occasions where the performance of "fifth freedom" charters by certain foreign air carriers may be justified. Thus, it may be that the right to perform such "fifth freedom" charters has been specifically agreed upon by the United States and a foreign Government under the terms of an applicable bilateral charter Air Transport Agreement. Similarly, there may be occasions where a foreign government's liberality in permitting operations by United States air carriers of "fifth freedom" charters justifies, under the principles of reciprocity, the grant of a reciprocal privilege in volume and kind for the foreign air carrier to perform such "fifth freedom" charters to and from the United States. In addition, various extraordinary circumstances might also arise which justify relaxation of the restriction.

The Board therefore proposes to include in the regulations a provision for waiver of the regulatory restrictions which will be applicable (1) where charter rights, not encompassed within the terms of the regulations, are granted pursuant to a bilateral charter agreement; (2) where the foreign carrier has demonstrated that its government authorizes United States carriers to perform charters of the same nature and in the same volume as the aggregate volume of such charters conducted by such foreign government's national carriers; or (3) in other extraordinary circumstances. The Board would not contemplate granting such waivers in circumstances other than those outlined.[14]

The proposed regulations will not affect the present definition of permissible charters. Those are retained basically as they presently appear in § 212.8, subject to technical modifications to incorporate the foregoing revisions.

The Board has considered the question of appropriate procedures which will permit all interested parties to have a full opportunity to present their views and arguments, and such evidence as may be material to the matters being considered herein. The proposed rule changes are of general applicability and legislative in nature. Moreover, all outstanding foreign air carrier permits of foreign route carriers presently authorize foreign charter air transportation only "subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations." The Board therefore tentatively concludes that the proposed amendments to its charter regulations constitute rulemaking only, and do not constitute amendments of outstanding foreign air carrier permits. Accordingly, it is the Board's view that procedural requirements applicable to foreign air carrier permit amendments need not be followed.[15]

The Board nevertheless recognizes that the revisions being made will have a significant impact upon the future operations of charters in international air transportation, and that foreign policy considerations may be involved. Therefore, the Board proposes to submit its final rules to the President for approval.

In any event, the Board does not consider that the question as to whether or not the proposed amendments to the charter regulations might be technically considered a permit amendment is one that need be definitively resolved. Even if the regulatory revisions should be deemed to constitute permit amendments, no oral evidentiary hearing would be required in the absence of a demonstration by the parties that there exist disputed factual issues which necessitate an oral evidentiary hearing for their reasonable resolution. It appears to the Board, on the basis of the information presently before it, that the matters here in issue are primarily questions of U.S. international charter policy, as to which all factual issues are either so plain as to be incapable of a material dispute, or would otherwise be irrelevant or immaterial. The Board is, therefore, tentatively of the view that, whether or not this proceeding be considered to be technically a permit amendment proceeding, no oral evidentiary hearing will be required, nor would such a hearing be productive of any useful purpose, and would not be in the public interest.[16] However, all interested persons will be given a period of 45 days to file comments on the proposed rule, and a period of 20 days will be provided for the filing of comments in response to the initial comments. The Board will consider any comments of interested persons directed toward the question of future procedures in this proceeding, that may be necessary or desirable, to the end that a fair procedural opportunity will be given to all parties to adequately and fully present their views, arguments, and such evidence as may be material and relevant. The Board's final determination as to the appropriate procedure to be followed will be reserved until after the receipt of all such comments.[17] To insure that such rights will be preserved, all foreign route air carriers, and applicants for such authority, will be made parties to this proceeding.

The proposed amendments to Part 212, effectuating the above-described revisions, are set forth in the "Proposed Rule" attached to the Notice of Proposed Rule Making, EDR–264, issued contemporaneously herewith.

Accordingly, pursuant to sections 204 (a) and 402 of the Federal Aviation Act,

It is ordered, That: 1. All holders of, and applicants for, foreign air carrier permits authorizing individually ticketed or individually waybilled foreign air transportation, or both, and other interested persons, be and they hereby are directed to show cause why the Board should not, subject to the approval of the President, amend Part 212 of the Board's Economic Regulations, in the manner set forth in the "Proposed Rule" attached to the Notice of Proposed Rule Making EDR–264 issued contemporaneously herewith; and, to the extent such regulatory amendments might be deemed

[13] Like the existing foreign charter carrier uplift ratio, a minimum of six United States-originating charters will be permitted, even if no charters originating in the homeland have been performed in the applicable calendar year; and, where as many as 45 charters originating in the United States are performed, the ratio will revert to a one-to-one uplift restriction.

[14] On the other hand, to the extend appropriate, *i.e.*, the grant of right pursuant to the terms of a bilateral charter Air Transport Agreement, such a waiver might be granted in blanket form, subject only to restrictions appropriate under the circumstances.

[15] The courts have held that rulemaking proceedings will suffice even for modification of existing license rights by general rules, despite a statute requiring an evidentiary hearing for amendment of a particular license. See, O'Donnell v. Shaffer, 34 Ad. L. 2d 176 (C.A.D.C., 1974); Saturn Airways v. CAB, 483 F.2d 1284 (C.A.D.C., 1973); Regular Common Carrier Conference v. U.S., 307 F. Supp. 941 (U.S.D.C., D.C., 1969); WBEN, Inc. v. U.S., 396 F.2d 601 (C.A. 2, 1968), cert. denied 393 U.S. 914 (1968); California Citizens Band Ass'n., 375 F.2d 43 (C.A. 9, 1967); American Airlines v. CAB, 359 F.2d 624 (C.A.D.C., 1966); and Air Line Pilots Ass'n., Int. v. Quesada, 276 F.2d 892 (C.A. 2, 1960).

[16] See, U.S. v. Florida East Coast Railway Co., 410 U.S. 224 (1973); Ruan Transport Corporation v. United States, 361 F. Supp. 371 (U.S.D.C., S.D. Iowa, 1973); U.S. v. Allegheny Ludlum Steel Corp., 406 U.S. 742 (1972); Citizens for Allegan County v. FPC, 414 F.2d 1125 (C.A.D.C., 1969); and Siegel v. AEC, 400 F.2d 778 (C.A.D.C., 1968).

[17] The Board recognizes that it may be desirable to defer applicability of the regulations so as not to disrupt any specific charter season, and will accordingly also consider comments directed to the appropriate timing of the applicability of the proposed revisions.

to constitute an amendment of the foreign air carrier permits held by such foreign air carriers, why such permits should not be so amended.

2. Any interested person having objections to the proposed amendments, or desiring to otherwise comment with respect to this matter, shall file with the Board, within forty-five (45) days from the date of this order, a memorandum stating such objections or comments, and supported by any evidence which may be considered material to the issues.[18]

3. Reply comments may be filed within twenty (20) days following the date for filing of initial comments.

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order adopting final rules in accordance with the tentative findings and conclusions set forth herein, and in accordance with the "Proposed Rule" set forth in EDR–264.

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein, and adopt the Rule proposed in EDR–264, or such modifications thereof as may appear to be in the public interest, if the comments fail to demonstrate the existence of relevant and material disputed factual issues which warrant an oral evidentiary hearing.

6. All holders of, and applicants for, foreign air carrier permits authorizing individually ticketed or individaully waybilled foreign air transportation, or both, be and they hereby are made parties to this proceeding.

7. This order shall be served upon all holders of, and applicants for, foreign air carrier permits; all holders of certificates of public convenience and necessity; and the Departments of State and Transportation.

This order shall be published in the FEDERAL REGISTER, and a copy shall be transmitted to the President of the United States.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6567 Filed 3–20–74;8:45 am]

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Order of Investigation

MARCH 18, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of March, 1974.

Among the issues litigated in the Fare Structure Phase of the *Domestic Passenger-Fare Investigation*, Docket 21866–9, was the lawfulness of existing night coach fares, and the conditions under which such service is provided. After reviewing the evidence submitted, the Board found that, on the available record, it was unable to come to any reasoned conclusions either as to the lawful level of night coach fares, or upon the conditions under which such services may be appropriately provided, and accordingly determined to institute a separate investigation of such fares.[1] This order implements that determination.

Historically, the Board has encouraged the provision of reduced-fare off-peak services as a means of obtaining reductions in unit costs through increased utilization of facilities and equipment. The record in Phase 9, however, contained little evidentiary material bearing upon equipment utilization or other cost-related matters associated with night coach service. Accordingly, we will expect the parties to direct their attentions particularly to the long-run impact on unit operating costs of reduced-fare off-peak services. Of particular significance are the following: (1) The effect on equipment utilization of night coach services presently offered: (2) the extent to which existing night coach fares stimulate or divert traffic from normal coach fares, with particular reference to the extensive night coach services now offered during periods other than those traditionally considered to be off-peak; (3) the extent to which cost savings result from the lower level of passenger amenities available to night coach passengers; (4) whether or not any other forms of cost savings are achieved by operating during off-peak periods; and finally (5) a quantification of these cost factors through adoption of a cost-based fare for night coach service, and a determination of the circumstances and conditions under which such service may be lawfully provided.

Accordingly, the Board finding that the existing night coach fares and services may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto (including future revisions of such fares and provisions), and rules, regulations or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

3. Copies of this order be filed with the tariffs listed in the Appendix and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 202 ISSUED BY AIRLINE TARIFF PUBLISHERS INC., AGENT

All FN and YN class fares between points within the area consisting of the 48 contiguous states and the District of Columbia of the United States, and the application thereof, applicable to American Airlines, Inc., Braniff Airways, Incorporated, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

All SN class fares between points within the area consisting of the 48 contiguous states and the District of Columbia of the United States, and the application thereof, applicable to Allegheny Airlines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and Texas International Airlines, Inc.

The YNITI class fares and the application thereof between Dallas/Ft. Worth and Phoenix applicable to American Airlines, Inc., and Delta Air Lines, Inc.

[FR Doc.74–6564 Filed 3–20–74;8:45 am]

COMMISSION ON CIVIL RIGHTS

VERMONT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 21, 1974, at the Tavern Motor Inn, Montpelier, Vermont 05602.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to finalize plans in preparation for the Conference on Minority Students.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated in Washington, D.C., March 14, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–6572 Filed 3–20–74;8:45 am]

[18] Since provision is made for responses to this order, petitions for reconsideration of this order will not be entertained.

[1] Order 74–3–82, March 18, 1974.

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on March 22, 1974, in the Fifth Floor Conference Room, New City Hall, 900 East Broad Street, Richmond, Virginia 23219.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20245.

The purposes of this meeting shall be (1) to discuss followup activities to the Virginia SAC report on Judicial Selection, and (2) to begin selecting and planning new projects to be undertaken by the Virginia SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6573 Filed 3-20-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 27, 1974, in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Monroe County:* A regional sewerage plan for the Boroughs of Stroudsburg, East Stroudsburg and Delaware Water Gap, and portions of Smithfield and Stroud Townships, Monroe County, Pa. Sewage collection systems would be constructed in Stroud and Smithfield Townships and extended in other areas. Regional interceptors would serve a new regional treatment plant near the Delaware River scheduled for operation in 1977. Existing sewage treatment plants would be upgraded and expanded as necessary to meet needs on an interim basis until completion of the regional system.

2. *Pennsylvania Department of Environmental Resources:* Marsh Creek dam and reservoir project, Chester County, Pa. A proposed revision in one of the operating policies applicable to this existing project having the effect of reducing downstream release requirements from the dam when the flow of Brandywine Creek at the Chadds Ford stream gauge is greater than 140 cubic feet per second.

3. *Wrightstown Municipal Utilities Authority:* A well water supply project to augment public water supplies in the Borough of Wrightstown, Burlington County, N.J. Existing Well No. 1 has an estimated yield of 100,000 gallons per day. New Well No. 2 is anticipated to yield 200,000 gallons per day.

4. *Lake Louise Marie Water Co., Inc.:* A well water supply project to serve the development known as Emerald Green in the Town of Thompson, Sullivan County, N.Y. Two new wells, Nos. 1 and 2, are estimated to have a combined yield of about 288,000 gallons per day.

5. *Broad Run Water Co., Inc.:* A well water supply project to provide service in the development known as Broad Run Community in West Bradford Township, Chester County, Pa. Wells Nos. 1 and 2 are expected to have a combined yield of about 216,000 gallons per day.

6. *U.S. Soil Conservation Service:* Modification of the Assunpink Creek Watershed Work Plan in Mercer and Monmouth Counties, N.J. A revision is proposed to the flood retarding structure at site No. 6 to control a 22 square-mile drainage area and provide 1,880 acre feet of storage. Site No. 15 of the original Watershed Work Plan will be deleted.

7. *New Castle County Dept. of Public Works:* A project to enlarge a temporary sewage treatment plant serving the South Christina interceptor in New Castle County, Del. Capacity of the plant will be increased to two million gallons per day and will provide 91 percent removal of BOD_5. Treated effluent will discharge to a tidal portion of None Such Creek.

8. *Borough of Medford Lakes:* Upgrading of a sewage treatment plant serving the Borough of Medford Lakes, Burlington County, N.J. The proposed additions will provide treatment capacity of 550,000 gallons per day and for removal of 90 percent of BOD_5 and suspended solids and 96 percent of soluble phosphorus. Treated effluent will discharge to a tributary of Birchwood Lakes on the Southwest Branch of Rancocas Creek Watershed.

9. *City of Easton:* Expansion of the City's sewage treatment plant in Northampton County, Pa. Capacity will be provided to handle 10 million gallons per day of sewage flow and provide 92 percent removal of BOD_5 and 90 percent removal of suspended solids. Treated effluent will discharge to the Delaware River.

10. *New Hanover Township Authority:* A sewage treatment project to provide municipal service in New Hanover Township, Montgomery County, Pa. The treatment plant will provide a capacity of 225,000 gallons per day and remove up to 90 percent of BOD_5 and suspended solids. Treated effluent will be subject to disposal by spray irrigation.

11. *Greenbriar Development Co.:* A sewage treatment project to provide treatment at the Shohola Falls Trails End Campground in Shohola Township, Pike County, Pa. The treatment plant will provide a capacity of 75,000 gallons per day and provide for removal of 95 percent of BOD_5 and suspended solids. Treated effluent will discharge to an unnamed tributary of Shohola Creek.

12. *Jersey Central Power & Light Co.:* A proposed addition to the Gilbert generating station in Holland Township, Hunterdon County, N.J. The addition consists of a 130-MW steam turbo-generator utilizing the waste heat from four existing combustion turbines through the use of heat recovery steam generators. A mechanical draft wet cooling tower, waste treatment facilities, expansion of the switchyard and associated appurtenances are also part of the project. On-site oil tank storage will be utilized for fuel oil.

B. Applications for water quality certification pursuant to section 401 of the Federal Water Pollution Control Act:

1. *Pennsylvania Power & Light Co.:* A project to dredge the Delaware River between the main channel of the river and the water intake structure for Units 3 and 4 of the Martins Creek generating station in Northampton County, Pa.

2. *Burlington County Board of Chosen Freeholders:* Replacement of Skeales Bridge over Assiscunk Creek in Burlington Township, Burlington County, N.J.

C. A proposal to amend section 2-2.4 of the Commission's rules of practice and procedure. Section 2-2.4 provides for the adoption of the annual Water Resources Program in the month of February. It is proposed to change this section so as to require adoption annually without reference to any particular month of the year.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: March 15, 1974.

W. BRINTON WHITALL,
Secretary.

[FR Doc.74-6555 Filed 3-20-74;8:45 am]

MARTINS CREEK STEAM ELECTRIC GENERATING STATION EXPANSION

Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (Section 2-3.5.2) notice is hereby given of the availability of the final environmental statement as of March 15, 1974 which discusses the environmental impact of the proposed expansion of the Martins Creek Electric Generating Station located on the west bank of the Delaware River (Delaware River Mile 190.9) approximately 10 miles north of Easton, Pennsylvania. The final statement has been prepared by the Commission based on the Pennsylvania Power and Light Company's environmental studies, the Commission's draft environmental impact statement and extensive comments received from other Federal, state and local agencies and concerned organizations and citizens.

The proposed development includes construction of Units No. 3 and No. 4 which are oil-fired steam electric generating units each with a capacity of 800 electric megawatts, alongside two existing coal-fired operating units of 150 MW each. Units No. 3 and No. 4 are scheduled to be in operation in 1975 and 1977, respectively. Facilities to be constructed to support each of the generators would include a natural draft cooling tower 414 feet high with a water flow of 280,000 gallons per minute; a chimney 600 feet high; a transformer of 930,000 kva; a 95,000-barrel-capacity tank to store fuel oil; and water inlet works to provide a maximum of 19.6 cfs of water for each unit, of which an average of 13.7 cfs would be evaporated. Facilities constructed to support Units No. 3 and No. 4 jointly, include fire protection facilities; a 12,000 barrel capacity tank for light oil; an on-site domestic waste system; a 42-acre retention pond, with an effective holding capacity of

216,000 cubic yards (132 acre feet); an additional switchyard; and new transmission lines.

The final environmental impact statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey, and in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia. A limited number of copies of the final statement are available to persons or agencies upon request.

W. BRINTON WHITALL,
Secretary.

MARCH 15, 1974.

[FR Doc.74-6507 Filed 3-20-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1462) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodities corn forage at 1 part per million and corn grain at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedures using a flame photometric detector equipped with a phosphorus filter (526 nanometers).

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6470 Filed 3-20-74;8:45 am]

CHEMAGRO DIVISION OF BAYCHEM CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1472) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio) phenyl]phosphorothioate) and its cholinesterase-inhibiting metabolites in the raw agricultural commodities meat, fat, and meat byproducts of hogs at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using thermionic emission detection.

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6471 Filed 3-20-74;8:45 am]

CHEMAGRO DIVISION OF BAYCHEM CORP.

Notice of Withdrawal of Petitions Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), Chemagro Division of Baychem Corp. (formerly Chemagro Corp.), Kansas City, MO 64120, has withdrawn its petitions (PP 2F1292, PP 1F1166, and PP 0F0984), notices of which were published in the FEDERAL REGISTERS of July 29, 1972 (37 FR 15340), November 4, 1971 (36 FR 21224), and June 10, 1970 (35 FR 8954), respectively, proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities corn fodder and forage at 5 parts per million and corn grain and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million (PP 2F1292); pasture grass hay at 5 parts per million and pasture grass at 2 parts per million (PP 1F1166); and sorghum grain at 7 parts per million (PP 0F0984).

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6469 Filed 3-20-74;8:45 am]

AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee of the Science Advisory Board will be held at 9:00 a.m., April 8 and 9, 1974, in Room 220 of the Regional Office of the U.S. Environmental Protection Agency, 100 California Street, San Francisco, California, 94111.

This is the regular spring meeting of this committee. The agenda will include (a) smog chamber and field studies of the emissions-air quality relationships, (b) minority institution research support program, and (c) measurement of sulfuric acid and sulfates in ambient and source atmospheres.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Basil Dimitriades, Chemistry and Physics Laboratory, Office of the Director, Environmental Protection Agency, Research Triangle Park, North Carolina (919-549-8411, extension 2706).

Dated: March 15, 1974.

JOHN L. BUCKLEY,
Acting Assistant Administrator for Research and Development.

[FR Doc.74-6972 Filed 3-20-74;8:45 am]

MARYLAND TRANSPORTATION CONTROL PLAN

Notice of Availability of Technical Support Document

The Technical Support Document for the Transportation Control Plan for the Metropolitan Baltimore Intrastate Region, referenced in the December 12, 1973 FEDERAL REGISTER (38 FR 34347) is now available for general public inspection at the Region III EPA Office in Philadelphia, Pennsylvania and at the Freedom of Information Center, EPA, Washington, D.C.

Although the material in this document had been available to the Administrator prior to the December 12 promulgation, it had not been prepared in final typed form which could be reproduced for the general public at that time. This task has now been completed and the document may be inspected during normal business hours at the EPA Region III Office, Room 255, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, and at the Freedom of Information Center, Room 232 West Tower, 401 "M" Street, SW., Washington, D.C.

Since the development and implementation of adequate controls to reduce hydrocarbon and carbon monoxide is a continuing process and the Agency desires to have the most up-to-date information possible in the event that revisions prove necessary or appropriate, public comment is specifically invited on the material presented in this document for a period of thirty days. Comments should be addressed to the Regional Administrator, EPA, Attention: Mr. C. C. Miese, Room 255, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106.

Dated: March 14, 1974.

ROGER STRELON,
Acting Assistant Administrator for Air and Water Programs.

[FR Doc.74-6590 Filed 3-20-74;8:45 am]

[OPP-32000/27]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for imple-

mentation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 5481–RAL. Amvac Chemical Corporation, 4100 East Washington Blvd., Los Angeles, California 90023. *Alco Dibrom 8 Emulsive Naled Insecticide.* Active Ingredients: Naled 58.0%; Aromatic Petroleum Derivative Solvent 27.5%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 2553–ET. Buhl Chemical Company, Box 526, Weirsdale, Florida 32695. *Zee-Tox 5% Chlordane Powdered Insect Killer.* Active Ingredients: Chlordane (Technical) 5%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 1660–TN. Chemical Specialties Co., 5155 Nassau Ave., Brooklyn, New York 11222. *Dro Automatic Indoor Fogger.* Active Ingredients: Petroleum Distillate 19.0%; Pyrethrins 0.20%; Technical Piperonyl Butoxide 0.80%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 8550–GG. Del Chemical Corp., 1175 Glendale Road, Sparks, Nevada 98431. *Del X It Oil Soluble Insecticide.* Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–GAE. Helena Chemical Company, Suite 2900, Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38117. *Helena Animal Health Roach & Ant Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Technical piperonyl butoxide (equivalent to 0.80% [butylcarbityl] [6-propylpiperonyl] ether and 0.20% other related compounds) 0.261%; Petroleum distillate 68.966%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–OT. International Paint Company, Inc., Elmwood & Morris Avenues, Union, New Jersey 07083. *Supertrop Antifouling Paint 45 Blue.* Active Ingredients: Cuprous oxide 23.6%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 9803–EO. Munichem Corporation, 850 Industial Way, Sparks, Nevada 98431. *Muni X Oil Soluble Insecticide.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99,500. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA Reg. No. 432–505. S. B. Penick & Company, 100 Church Street, New York, New York 10007. *24.3% SBP–1382–2 E.C.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 24.30%; Related compounds 3.30%; Aromatic petroleum hydrocarbons 66.40%. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA File Symbol 3635–ROU. Oxford Chemicals, P. O. Box 80202, Atlanta, Georgia 30341. *Oxford 2515 Aerosol.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.600%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 18.125%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 228–RUO. Riverdale Chemical Company, 220 East 17th Street, Chicago Heights, Illinois 60411. *Riverdale Turf Weed Killer.* Active Ingredients: Diethanolamine salt of 2-(2 methyl-4 chlorophenoxy) Propionic Acid 4.39%; Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 4.08%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 4000–AN. Southern Chemical Products Co., P.O. Box 205, 430 Lower Boundary, Macon, Georgia 31202. *Lemon Hospital Disinfectant.* Active Ingredients: Isopropanol 67.50%; Essential Oils 0.45%; Orthophenylphenol 0.15%; N-alkyl (C14 1%, C16 25%, C18 8%, C10 66%) N-ethyl morpholinium ethylsulfate 0.03%. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA File Symbol 117–RRU. Virginia Chemicals, Inc., 3340 West Norfolk Road, Portsmouth, Virginia 23703. *Virchem Ultra Aerosol Insecticide.* Active Ingredients: Pyrethrins 1.95%; Technical piperonyl butoxide 3.00%; N-Octyl bicycloheptene dicarboximide 2.00%; Petroleum distillates 18.05%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–GE. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Heptachlor 3E Emulsifiable Concentrate.* Active Ingredients: Heptachlor 32.1%; Related Compounds 12.5%; Petroleum Distillate 50.4%. *Method of Support.* Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of applications received previously published in the FEDERAL REGISTER of March 12, 1974 (39 FR 9572).

EPA Reg. No. 279–2032. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Polyram 80 Wettable Powder.* Active Ingredients: A mixture of 5.2 parts by weight (83.9%) of ammoniates * * *. Correction: Originally published incorrectly as ammonitates.

EPA File Symbol 3286–UE. Ford Staffel Company, P.O. Box 2380, San Antonio, Texas 78298. *Staffel's Fire Ant Granules.* Active Ingredients: Heptachlor 5.000% * * *. Correction: Originally published incorrectly as Heptschler.

EPA File Symbol 4822–RGN. S. C. Johnson & Son, Inc., 1525 Rowe Street, Racine, Wisconsin 53403. Correction: Originally published incorrectly as EPA File Symbol 4822–RON. B. C. Johnson & Son, Inc.

EPA File Symbol 1043–UI. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *1-Stroke Envtron J.* Active Ingredients: Sodium o-phenylphenate 11.3%; sodium o-benzyl-p-chlorophenate 9.4%; sodium p-tertiary-amylphenate 2.3%. Correction: Originally published incorrectly as sodium p-tertiary-amylphonate.

EPA File Symbol 499–RIN. Whitmire Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis, Missouri 63122. Correction: Originally published incorrectly as EPA File Symbol 499–HIN.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of March 13, 1974 (39 FR 9697).

EPA File Symbol 10807–UL. Aero Mist, Inc., 990 Industrial Park Drive, Marietta, Georgia 30062. *Misty Menthol Spray Decongestant and Air Sanitizer.* Correction: Originally published incorrectly as Misty Menthol Spray Decongestant air Air Sanitizer.

Dated: March 15, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74–6988 Filed 3–20–74;8:45 am]

FARM CREDIT ADMINISTRATION

[Order No. 771]

DEPUTY GOVERNOR ET AL.

Delegation of Authority

MARCH 13, 1974.

1. The Deputy Governor and Director of Credit Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit function of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor and Director of Credit Service, Farm credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Credit Service:

(1) Deputy Director
(2) Senior Assistant Director, Credit Review
(3) Assistant to the Director
(4) Assistant Director, Central Region

(5) Assistant Director, Eastern Region
(6) Assistant Director, Western Region

3. This order shall be effective on the above written date and revokes Farm Credit Administration Orders No. 752, dated April 12, 1972 (37 FR 7646); No. 748, dated January 1, 1972 (37 FR 238); No. 739, dated November 12, 1970 (35 FR 17753); and No. 733, dated December 11, 1969 (34 FR 19830).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-6464 Filed 3-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-260]

FAILURE OF BROADCAST LICENSEES TO CONDUCT CONTESTS FAIRLY

Public Notice

MARCH 15, 1974.

Over the years, the Commission has received many complaints regarding the manner in which broadcast station licensees have conducted contests over the air. One result of these complaints was the issuance in 1966 of a Public Notice entitled, "Contests and Promotions Which Adversely Affect the Public Interest," 2 FCC 2d 464, 6 RR 2d 671. The 1966 Public Notice listed examples of various contests and promotions and stated that among the adverse consequences of some of them were: Alarm to the public about imaginary dangers; infringement of public or private property rights or the right of privacy; annoyance or embarrassment to innocent parties; hazards to life and health; and traffic congestion or other public disorder requiring diversion of police from other duties. Contests and promotions having the adverse effects cited in that Notice and contests that are not fairly conducted or are misleadingly or falsely advertised continue to cause complaints, and short term renewals have been granted or other measures taken because of the manner in which contests have been advertised or conducted since the issuance of the 1966 Public Notice.[1]

The Commission has made clear in a number of public statements that a licensee's contests should be conducted fairly and substantially as represented to the public, and that a failure to do so falls short of the degree of responsibility expected of licensees. See KOLOB Broadcasting Company cited in footnote one.

In addition to the practices described in the 1966 Public Notice, the Commission believes that serious questions would be raised as to the sense of responsibility of a broadcast licensee who engages in the following practices: (1) Disseminating false or misleading information regarding the amount or nature of prizes; (2) failing to control the contest to assure a fair opportunity for contestants to win the announced prizes; (3) urging participation in a contest, or urging persons to stay tuned to the station in order to win, at times when it is not possible to win prizes; (4) failing to award prizes, or failing to award them within a reasonable time; (5) failing to set forth fully and accurately the rules and conditions for contests; (6) changing the rules or conditions of a contest without advising the public or doing so promptly; [2] and (7) using arbitrary or inconsistently applied standards in judging entries. In some instances, licensees, after carefully planning contests to avoid problems of this type as well as those listed above from the 1966 Public Notice, failed adequately to instruct employees in the procedures to be followed during the contest, or failed adequately to supervise their employees to assure that the instructions were carried out.

In the past, as indicated above, we have on occasion granted probationary, short-term renewal of license for practices such as those listed above. However, the continuing practices of some licensees in conducting contests indicates that past measures may not have been sufficient. In the future we will consider designation of a renewal application for hearing when the circumstances appear to justify such action; e.g., a pattern of repeated failure to conduct contests and promotions fairly or to advertise them truthfully. We also will consider the feasibility of adopting rules in this area so that the full range of sanctions would be available to us.

Action by the Commission March 14, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks.

Sent to all broadcast licensees.

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

[FR Doc.74-6597 Filed 3-20-74;8:45 am]

[1] See, for example, *WCHS-AM-TV Corp.*, 8 FCC 2d 608, 10 RR 2d 445 (1967), *Henkin, Inc.*, 29 FCC 2d 40, 21 RR 2d 595 (1971), *KOLOB Broadcasting Co.*, 36 FCC 2d 586 (1972), *Qualitron Aero, Incorporated*, FCC 72-937, 25 RR 2d 679 (1972), *Baron Radio, Inc.*, FCC 72-1060, 25 RR 2d 1125 (1972), *Bremen Radio Co.*, 41 FCC 2d 595, 27 RR 2d 1453 (1973), *Greater Indianapolis Broadcasting Company, Inc.*, 44 FCC 2d 599, 28 RR 2d 1438 (1973), *Weis Broadcasting Company*, FCC 74-169, 29 RR 2d —— (1974), and *Radio Chesapeake, Inc.*, FCC 74-170, 29 RR 2d —— (1974).

[2] For example, changes in the prizes to be awarded or in the bases for making the awards, or in the manner in which persons are to qualify for participation and what they are expected to do to compete.

[FCC 74-262]

LICENSEES OF ALL STANDARD BROADCAST STATIONS EMPLOYING DIRECTIONAL ANTENNAS

Public Notice

MARCH 14, 1974.

Section 73.69(a) of the Commission's rules and regulations requires, with minor exceptions, that each standard broadcast station utilizing a directional antenna have in operation at the transmitter an antenna monitor which is of a type approved by the Commission.

The requirement that such monitors be type approved was first established when the above section of the rules became effective on February 23, 1973. However, in recognition of the fact that immediate compliance with this requirement by all stations was not practicable, a Note appended to § 73.69 set forth a schedule of dates wherein various categories of stations would be expected to have such monitors in operation.

This notice concerns paragraph (2) of that Note, which states

"Each station electing to utilize licensed operators other than first class radio telephone operators for routine transmitter duty (see § 73.93) shall meet this requirement by June 1, 1974".

It has come to the Commission's attention that the sources of supply of type approved monitors may be limited to the extent that the licensees of some stations required to have type approved monitors by June 1, 1974, may be unable, even by the exercise of due diligence, to obtain delivery and install approved monitors by that date.

Accordingly, pending further notice from the Commission, the licensee of a station who is required to, but fails to have a type approved monitor installed and operating by June 1, 1974, will not be held accountable for failure to comply with the rule if, by that date, he has placed and has received confirmation of an order for a type approved monitor. Under such circumstances, a copy of such order and confirmation must be furnished the Commission in Washington, and an additional copy maintained in the station's files, and made available for inspection on request by a field engineer of the Commission.

Action by the Commission March 13, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks.

Sent to all standard broadcast licensees.

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

[FR Doc.74-6598 Filed 3-26-74;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE MEETING

Public Notice

MARCH 15, 1974.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held April 9, 1974 at 1229 20th Street NW., Room A-205, Washington, D.C. The meeting will commence at 10:00 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer provided and maintained PBX equipment to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with

respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the April 9 meeting will be as follows:

a. Review of Status of Task Groups on Interface Criteria, Voice/Non-Voice Requirements, Equipment Test Standards, and Glossary

b. Task Assignments and Scheduling

4. *Public Participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632–6457.

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

[FR Doc.74–6599 Filed 3–20–74;8:45 am]

[Docket No. 19838, 19839; FCC 74R–96]

ITAWAMBA COUNTY BROADCASTING COMPANY, INC., AND TOMBIGBEE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Itawamba County Broadcasting Company, Inc., Fulton, Mississippi, Docket No. 19838, File No. BPH–8028; Aubrey Freeman, T/A Tombigbee Broadcasting Company, Fulton, Mississippi, Docket No. 19839, File No. BPH–8189; for construction permits.

1. This proceeding involves the mutually-exclusive applications of Itawamba County Broadcasting Company, Inc. (Itawamba) and Tombigbee Broadcasting Company (Tombigbee) for authorization to construct a new FM broadcast station in Fulton, Mississippi. The applications were designated for hearing on a standard comparative issue by Order of the Chief, Broadcast Bureau, acting pursuant to delegated authority, 38 FR 28587, published October 15, 1973. Now before the Review Board is a petition to enlarge issues, filed October 29, 1973, by Itawamba,[1] requesting the addition of misrepresentation and "Suburban" issues against Tombigbee.

2. By way of background, in Exhibit H of Tombigbee's application (Tombigbee's Ascertainment of Community Needs exhibit), it is stated that the applicant conducted a personal and telephone survey during October and November, 1972, with individuals and groups to determine the needs and interests of its proposed service area. Tombigbee then listed 36 individuals and their respective occupations and/or community activities. However, with the exception of one individual, J. E. Staub,[2] Tombigbee did not identify these individuals as "community leaders". Immediately after this list, Tombigbee stated:

* * * plus 114 other individuals and radio listeners throughout Fulton and Itawamba County were contacted in our community needs survey. Attached as Appendix A is a complete list of the names of persons contacted. The community leaders were contacted by Ralph Mathis and Aubrey Freeman. All other interviews were conducted under the direct supervision of Mathis and Freeman.

In Appendix A, Tombigbee listed 150 individuals, their respective occupations, their places of residence, and, in some cases, their religious preferences.[3] Itawamba alleges that Tombigbee is guilty of "gross misrepresentation to the Commission" with respect to its community survey since numerous individuals listed as community leaders and members of the general public were never contacted by the applicant; numerous community leaders were never contacted by Mathis or Freeman; and a number of individuals, allegedly contacted, were deceased at the time the survey was conducted. Itawamba also alleges that Tombigbee's survey does not comply in several respects with the requirements of the Commission's "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971).

MISREPRESENTATION ISSUE

3. In support of its request for a misrepresentation issue, Itawamba attaches 27 affidavits to its petition from persons allegedly contacted by Tombigbee in connection with Tombigbee's survey of community leaders and members of the general public. Twenty-one of the affiants state they were never contacted by Tombigbee in October and November, 1972, regarding a survey of community problems. Fifteen of the affiants, all of whom are listed in Exhibit H of Tombigbee's application and considered as community leaders by Itawamba,[4] deny that they are acquainted with or have ever been contacted by Freeman or Mathis concerning the problems of Itawamba County.[5] (See paragraph 2, supra.) Itawamba also attaches an affidavit from Pauline Walton, Circuit Clerk of Itawamba County, wherein she states that the names of "R. K. Houston", "O. K. McFerrin" and "T. F. Evans" were removed from the Itawamba County Voting Pool Books since they were deceased before the months of October and November, 1972.[6] Itawamba also submits an affidavit from James Henry, plant manager of Fulton Blue Bell, wherein he states that 11 persons listed by Tombigbee as employees of Fulton Blue Bell were not employed by the plant during October and November, 1972. In sum, Itawamba argues that a misrepresentation issue should be specified against Tombigbee for its failure to contact numerous interviewees and for the failure of its principals, Freeman and Mathis, to contact all community leaders as represented in Exhibit H. The Broadcast Bureau supports addition of the requested issue, absent a satisfactory explanation by Tombigbee in its responsive pleading.

4. Tombigbee, in opposition, submits affidavits from 20 of the 21 persons who stated they were not contacted, as well as survey sheets for all 21 persons.[7] Four of the affiants state that they were, in fact, contacted by Tombigbee regarding a community survey, but 17 state that they were not contacted by Tombigbee or do not recall being contacted by Tombigbee. Tombigbee argues that it contacted 150 people and that "the small amount of people who say they cannot remember being contacted, after a lapse of time of more than a year, is certainly not sufficient enough to warrant adding any issues against Tombigbee regarding its survey." Tombigbee states that it never represented that the 36 interviewees listed in Exhibit II were community leaders. According to Tombigbee, "Ralph Mathis and Aubrey Freeman contacted at least 23 community leaders and other individuals" of which 13 were personally contacted by Mathis and 10 by Freeman.[8] With respect to the affidavit of Pauline Walton, Tombigbee argues that Harriet Heyboer, an employee, contacted Mrs. R. K. Houston and Mrs. O. K. McFerrin and that they were mistakenly, identified in its survey as "R. K. Houston" and "O. K. McFerrin."[9] Tombigbee states that "someone was talked to at the T. F. Evans Lumber Company and Mrs. Harriet Heyboer thought it was T. F. Evans."[10] Tom-

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[1] Also before the Board are: (a) Comments, filed December 3, 1973, by the Broadcast Bureau; (b) "reply", filed December 13, 1973, by Tombigbee; and (c) a reply, filed January 14, 1974, by Itawamba. Tombigbee's "reply" will be considered as an opposition to Itawamba's petition (see Section 1.294 of the Commission's Rules).

[2] J. E. Staub is identified as "Community Leader and President of J. E. Staub Construction Company."

[3] This list included all but a few of the 36 individuals listed in Exhibit H.

[4] Itawamba assumes that the 36 interviewees listed in Exhibit H are community leaders since their names are listed in Exhibit H and then duplicated in Appendix A.

[5] However, 8 of the 15 affiants state that they were contacted by a representative of Tombigbee regarding community problems but not by Freeman or Mathis.

[6] Tombigbee represented in its application that these persons were contacted in October and November, 1972.

[7] The survey sheets contain the name, address, occupation, community organizations and comments of each interviewee, as well as the signature of the interviewer and the date of the interview. Tombigbee does not, however, submit affidavits from the interviewers.

[8] Although Tombigbee lists the individuals contacted by Freeman and Mathis in its responsive pleading, it does not specifically designate them as community leaders and its explanation that Freeman and Mathis "contacted at least 23 community leaders and other individuals" is, in the Board's opinion, ambiguous, at best.

[9] Tombigbee attaches an affidavit from Mrs. R. K. Houston stating that she does not remember being contacted by Harriet Heyboer and an affidavit from Ralph Mathis stating that Mrs. K. O. McFerrin told him that she may have been contacted by Harriet Heyboer but refused to sign an affidavit. In addition, the interview sheets submitted by Tombigbee indicate that Harriet Heyboer contacted "R. K. Houston" and "O. K. McFerrin", not Mrs. Houston or Mrs. McFerrin.

[10] This statement, however, is not supported by an affidavit of someone with personal knowledge.

bigbee submits affidavits from several Blue Bell employees stating that all 11 persons listed as employees of Fulton Blue Bell were employed by Blue Bell, but not at Blue Bell's Fulton plant. According to Tombigbee, "it was simply an incorrect conclusion on the part of Tombigbee that if the people were talked to in Fulton, they worked in that plant."

5. In the Review Board's opinion, substantial questions have been raised regarding the accuracy of representations made by Tombigbee in its application. Initially, the fact that seventeen persons have stated in affidavits submitted by both Itawamba and Tombigbee that they were not contacted by Tombigbee regarding a community survey or do not recall being contacted is sufficient, in itself, to warrant the addition of a misrepresentation issue. See "Belo Broadcasting Corporation," 42 FCC 2d 1011, 28 RR 2d 732 (1973), "California Stereo, Inc.," 39 FCC 2d 401, 26 RR 2d 887 (1973). However, in addition to numerous persons who may not have been contacted, it is alleged that three interviewees were deceased at the time Tombigbee conducted its survey and Tombigbee's explanation is not adequately supported by the affidavits or survey sheets it submitted in opposition. (See note 6, supra.) In this regard, we are unable to attach any weight to the survey sheets submitted by Tombigbee since none of the sheets are supported by affidavits of the interviewers. Tombigbee offers no explanation for its failure to obtain affidavits from Harrier Heyboer or any of the other interviewers employed by Tombigbee.[11] Furthermore, the Board notes that Tombigbee's list of community leaders and members of the general public is permeated by numerous apparent errors regarding the names, occupations and residences of the interviewees.[12] In the Board's view, Tombigbee's persistent failure to correctly identify its interviewees and their respective occupations and residences, when viewed together with its apparent failure to contact numerous individuals listed in Exhibit H and Appendix A, raises serious questions as to whether there has been a pattern of deliberate misrepresentation and/or gross negligence on the part of Tombigbee; these questions must be fully explored in hearing. See "Belo Broadcasting Corporation, supra; California Stereo, Inc.," supra.

6. Regarding Itawamba's allegation that Freeman and Mathis did not contact all of Tombigbee's community leaders as represented in its application, the Board notes that Tombigbee has not specifically identified those individuals it regards as community leaders in either its application or in its responsive pleading to Itawamba's petition. Without this information we are unable to determine whether Freeman and Mathis contacted all of the community leaders interviewed by Tombigbee, and, thus, whether Tombigbee misrepresented facts in this connection to the Commission in its application. In effect, Tombigbee has placed the burden of identifying its community leaders upon the Review Board. The identification of these leaders on the basis of assumption or inference would, in the Board's view, be speculative and wholly unsatisfactory. Accordingly, the Board believes that the identity of Tombigbee's community leaders must be determined at the hearing. In light of all the foregoing, an appropriate misrepresentation issue will be specified herein.

SUBURBAN ISSUE

7. Itawamba alleges that Tombigbee's community survey is deficient, in part, since Ralph Mathis, a 51 percent partner and proposed general manager, withdrew from the applicant in June of 1973. According to Itawamba, Mathis "may have assumed overall responsibility for the preparation of the surveys" and Tombigbee's surveys are invalid to the extent he participated in their completion, citing "Childress Broadcasting Corporation of West Jefferson," 37 FCC 2d 766, 25 RR 2d 711 (1972), review denied FCC 73-433, released April 25, 1973. Itawamba also alleges that the affidavits attached to its petition to enlarge issues (see paragraph 3, supra) indicate that Tombigbee contacted 21 community leaders, none of whom were black, while Tombigbee's demographic data shows that 8 percent of the population of Fulton, Mississippi is black. Itawamba argues that the Primer, supra, Q. & A. 4 requires that an applicant consult with leaders of all significant groups in the area; that Tombigbee failed to consult with black leaders; and that the issues should be enlarged to include a "Suburban" issue against Tombigbee, citing "Community Broadcasters, Inc.", 33 FCC 2d 714, 23 RR 2d 723 (1972).

8. In opposition, Tombigbee argues that Freeman and Mathis contacted "at least 23 community leaders and other individuals", of which Freeman contacted 10, and that the "individuals contacted by Aubrey Freeman alone are sufficient to satisfy the requirements of the Primer." Tombigbee states that there is no merit to Itawamba's contention that no black community leaders were contacted since "[t]he black population of the area is only 8 percent and a sufficient number of black individuals were contacted to satisfy the requirements of the Primer."[13] The Bureau opposes the addition of a "Suburban" issue based upon the interviews conducted by Ralph Mathis; according to the Bureau, Itawamba's reliance upon "Childress," supra, is misplaced.[14] However, the Bureau states that it would not oppose the addition of a "Suburban" issue in light of the alleged discrepancies in Tombigbee's survey absent a satisfactory explanation by Tombigbee in its responsive pleading. In reply, Itawamba argues that Tombigbee's failure to interview any black leaders together with the numerous errors committed by Tombigbee elsewhere in its survey, raise doubts regarding the overall validity of its survey which requires the addition of a "Suburban" issue.

9. The Board will add a "Suburban" issue against Tombigbee. First, since Tombigbee has failed to identify its community leaders, the Board cannot determine whether Tombigbee has interviewed community leaders who are representative of the groups existing in the Fulton area. See "Dowric Broadcasting Co., Inc.," 37 FR 4376, published March 2, 1972, where the Commission specified a "Suburban" issue, in part, because the applicant did not state "which persons contacted [were] community leaders and which [were] members of the general public." Second, in light of the questions already raised by Itawamba regarding Tombigbee's representations and the possibility that numerous alleged interviewees may not have been contacted by Tombigbee, the Board believes that a question is raised with respect to the overall adequacy of Tombigbee's survey. Third, it is impossible to determine whether Tombigbee interviewed any black community leaders since Tombig-

[11] In this respect, the affidavits of Freeman and Mathis, also attached to Tombigbee's responsive pleading, are based, in large part, upon "hearsay" and, as such, do not comply with § 1.229(c) of the Commission's rules.

[12] Specifically, Lowell Sartin of Tremont, Mississippi is identified as "Lionel Sartain" of Fulton, Mississippi; Don Leathers is identified as "Game Warden, Itawamba County" whereas his father, James T. Leathers, is a game warden and Don is a student at the University of Mississippi; Webel Wright Mabus is identified as "Ben Mabus" whereas Mabus goes by the nicknames of "Bur" and "W.W."; Robert Pruitt is identified as a "Teacher in Fulton High School" whereas he is an Instructor at Itawamba Agricultural High School; J. E. Staub is identified as "President of J. E. Staub Construction Company", but had not held that job for several years prior to 1972; Rev. Louis McGee is identified as "Minister, Zion Baptist Church" of Mantachie, Miss. whereas McGee is a minister of the Spring Hill Baptist Church of Bonneville, Miss.; Rev. Randall Thompson is identified as "Pastor of Unity Baptist Church, Mantachie" whereas he is not a minister and is employed by C & P Auto Parts of Fulton—his father, Rev. Colon V. Thompson is a minister at Unity Baptist Church, Guntown, Mississippi; 11 persons are listed as employees of Fulton Blue Bell whereas they are employed by Blue Bell at plants located elsewhere; and "T. K. Houston" and "O. K. McFerrin" are listed as being contacted whereas Mrs. Houston and Mrs. McFerrin may have been contacted instead.

[13] An examination of the list of contacts made by Freeman and Mathis reveals that none is black.

[14] In Childress, the Board concluded that an applicant's survey was inadequate since 53 of the 61 interviews with community leaders were conducted by a part-time student employee who would not be in a management or policy making role for the proposed station even though he was an officer and director. The Board further concluded that he was appointed to these positions "solely for the purpose of compliance with the requirements of the Primer." 37 FCC 2d at 769, 25 RR 2d at 715.

bee failed to identify any of its community leaders. However, even if we were to assume, arguendo, that the 23 persons contacted by Freeman and Mathis and listed by Tombigbee in its opposition are, in fact, Tombigbee's community leaders, an examination of this list does not indicate that any of the 23 interviewees is black. Thus, it appears that Tombigbee may not have complied with the "Primer," supra, Q. & A. 14, which requires that an applicant consult with community leaders from all significant groups within its proposed service area. In our view, 8 percent of the population of Fulton, Mississippi could constitute a significant group.[15] See "St. Cross Broadcasting, Inc.," 39 FCC 2d 1067, 26 RR 2d 1311 (1973). In light of the above, an appropriate "Suburban" issue will be specified herein. The Board notes, however, that it does not believe that Itawamba has raised a question regarding the validity of those interviews conducted by Ralph Mathis. In our view, the fact that Mathis later withdrew from the Tombigbee application does not render Tombigbee's entire survey deficient. See "Northeast Oklahoma Broadcasting, Inc.," 42 FCC 2d 237, 72 RR 2d 524 (1973).

9. *Accordingly, it is ordered,* That the petition to enlarge issues, filed October 29, 1973, by Itawamba County Broadcasting Company, Inc. is granted to the extent indicated below, and IS DENIED in all other respects;

10. *It is further ordered,* That the issues herein are enlarged by addition of the following issues:

(1) To determine whether Tombigbee Broadcasting Company misrepresented facts to the Commission in connection with its survey of community problems and, if so, to determine the effect thereof on its qualifications to be a Commission licensee.

(2) To determine the efforts made by Tombigbee Broadcasting Company to ascertain the community problems of the area to be served and the manner in which the applicant proposes to meet these problems.

11. *It is further ordered,* That the burden of proceeding with the introduction of the evidence with respect to issue (1) above shall be on Itawamba County Broadcasting Company, Inc.; that the burden of proceeding with the introduction of the evidence with respect to issue (2) above shall be on Tombigbee Broadcasting Company; and that the burden of proof with respect to both issues shall be on Tombigbee Broadcasting Company.

Adopted: March 13, 1974.

Released: March 18, 1974.

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

[FR Doc.74-6596 Filed 3-20-74;8:45 am]

[Report 691]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 11, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20082-C2-ML-74, Arvig Telephone Company, Inc. (KCI305). Mod. License to change base frequencies from 152.54 and 152.57 MHz to one frequency 152.81 MHz located West of Equation Avenue, Pequot Lakes, Minnesota.

21009-C2-ML-74, General Telephone Company of Michigan (KQA769). Mod. License to change power on frequency 152.81 MHz located at 1131 Barlow Street, Muskegon Township, Michigan.

21010-C2-ML-74, General Telephone Company of Michigan (KRM495). Mod. License to change power on frequency 152.84 MHz located at 1131 Barlow Street, Muskegon Township, Michigan.

21011-C2-TC-74, Metro-Radiophone of Wisconsin, Inc. (KSV997). Consent to Transfer of Control from Phillip J. Reuter and James L. Straubel, TRANSFERORS, to Delbert Harden and William Sills III, TRANSFEREES. Station: KSV997, Jamesville, Wisconsin.

21012-C2-TC-74, Answering Network of Georgia, Inc., d/b as Georgia Paging Company. Consent to Transfer of Control from Joe L. Limerick, III, TRANSFEROR, to Thomas W. Miller, TRANSFEREE. Station: KQZ749, Savannah, Georgia.

21013-C2-AL-74, Edwin A. Boyce. Consent to Assignment of License from Edwin A. Boyce, ASSIGNOR, to Yazoo Answer Call, ASSIGNEE. Station: KQZ728, Yazoo City, Mississippi.

21014-C2-P-(3)-74, Daniel F. Christopherson d/b as Commercial Communications (New). C.P. for a new 2-way station to operate base facilities on 152.12 MHz and repeater facilities on 459.025 MHz at Loc. #1: Approx. 10 miles SSE. of Rock Springs, Aspen Mountain, Wyoming; and control facilities operating on 454.025 MHz at Loc. #2: 824 Walnut Street, Rock Springs, Wyoming.

21015-C2-P-74, Mobil Talk, Inc. (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located 0.4 mile North of Route 40 & Jumonville Road, Near Uniontown, Pennsylvania.

21016-C2-P-(2)-74, General Communications, Inc. (KEC737). C.P. for additional facilities to operate on 454.050 and 454.075 MHz at Loc. #2: 50 Presidentia Plaza, Syracuse, New York.

21017-C2-P-74, R.C.S. Inc. (KMD689). C.P. for additional facilities to operate on 152.21 MHz at Loc. #1: 7 miles NNW. of San Luis Obispo, California.

21018-C2-AL-74, Wells Fargo Armored Service Corporation of Florida. Consent to Assignment of License from Wells Fargo Armored Service Corporation of Florida, ASSIGNOR, to Baker Protective Services, Inc., ASSIGNEE. Station: KIA956, Miami, Florida.

21019-C2-P-(2)-74, Carolina Telephone and Telegraph Company (KIJ362). C.P. for additional facilities to operate on 152.54 and 152.69 MHz located 2.5 miles West of Fayetteville, North Carolina.

21020-C2-P-74, Phone Depots of Connecticut, Inc., d/b as Liberty Communications (KCI310). C.P. to change antenna location operating on 35.58 MHz at Loc. #1 to Top of Church Street, Monroe, Connecticut.

21021-C2-P-74, Two-Way Radio of Carolina, Inc. (KIY755). C.P. to add control station and control point to operate on 454.05 MHz at Loc. #5: 405 South Street, Gastonia, North Carolina.

21022-C2-P-74, Mobilfone Corporation (New). C.P. for a new 1-way signaling station to operate on 43.58 MHz to be located

[15] In this respect, Tombigbee is clearly mistaken when it argues that "a significant number of black individuals were contacted to satisfy the requirements of the Primer." The Primer requires that an applicant consult with "community leaders from each significant group" and the fact that Tombigbee may have interviewed numerous blacks with respect to its survey of the general public does not comply with Primer's requirements regarding surveys of community leaders. See Primer, supra, Q. & A. 14.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

at 80 South 8th Street, Minneapolis, Minnesota.

21023–C2–P–74, Rad Com Electronics, Inc. (New). RESUBMITTED, C.P. for a new 2-way station to operate on 152.12 MHz to be located approximately 1 mile West of Olympia, Washington.

21024–C2–P–(2)–74, RCC of Virginia, Inc. (KTS243). C.P. for additional facilities to operate on 152.06 and 152.15 MHz located Top of Mill Mountain, Roanoke, Virginia.

21025–C2–P–(2)–74, Radio Paging Service (KKE970). C.P. for additional facilities to operate on 454.275 and 454.350 MHz at Loc. #2: Intersection of 85th and Avenue L, Lubbock, Texas.

Major Amendment

2344–C2–P–73, Charles A. Beard d/b as Granbury Communications Co. (New), Granbury, Texas. Amend to change the base frequency to 454.325 MHz and the location to City Water Tank, Granbury, Texas. Lat. 32°27'06" N., Long. 97°47'11" W.

Corrections

6887–C2–P–73, on PN #642 dated 4–2–73 should have been listed as a major amendment to 625–C2–P–73. All other particulars to remain as reported on PN #642.

7269–C2–P–(2)–73, The Blair Telephone Company (KAQ623). Correct to show CP to change antenna system on 152.51 MHz and add 152.66 MHz frequency 152.66 MHz at Kenard, Nebraska.

Renewal of Licenses expiring April 1, 1974.
TERM: April 1, 1974 to April 1, 1979.

ALABAMA

Licensee	*Call Sign*
Auto Phone, Inc	KIY733.
Mobilphone Systems	KTS265.
Do	KTS276.
Phenix Communications Company, Inc.	KIJ351.
Do	KLF555.
Do	KRS661.
Do	KTS264.
Do	KUO603.
Radio Dispatch Co	KIY504.
Do	KLF574.
Do	KTS275.
Do	KIJ352.

ARIZONA

Mobilephone—Yuma	KOF906.

CALIFORNIA

Atlas Radiophone	KMJ224.
Do	KMM630.
American Mobile Radio, Inc	KMD344.
Coalinga Radio Telephone Service.	KSV959.
Central Radio Telephone	KMM599.
Do	KMM640.
Delta Valley Radiotelephone Co., Inc.	KMA743.
Do	KTS205.
Electropage, Inc	KMD986.
Fresno Mobile Radio, Inc	KMA830.
Do	KME200.
Do	KMJ225.
Do	KMM580.
Do	KMM590.
Do	KMM634.
Do	KLF649.
Imperial Communications Corp	KMA260.
Intrastate Radio Telephone, Inc. of San Bernardino.	KMA260.
Intrastate Radio Telephone, Inc. of San Francisco.	KMA833.
Do	KQZ714.
Madera Radio Dispatch	KMD350.
Mobilfone, Inc	KMA253.
Do	KMB309.
Do	KSV978.
Pomona Radio Dispatch Corp	KMD992.
Do	KSV928.
R.C.S., Inc	KMD689.
Do	KRM971.
Salinas Valley Radio Telephone Co.	KMA837.
Do	KMM694.
Stockton Mobilphone, Inc	KMA616.
Do	KMD347.
Do	KRM984.
Tadlock's Radio Dispatch	KMA259.
Tel-Page, Inc	KMB305.
Do	KMB306.
Do	KQZ717.
Telephone Answering and Radio Service.	KMD683.

COLORADO

Airway Communications	KQZ796.
Contact-Colorado Springs Inc	KAF241.
Pueblo Telephone Secretarial Service, Inc.	KLF473.
RAM Broadcasting of Colorado, Inc.	KUC862.
Do	KUC881.
Thomas Telephone Answering Service.	KRH647.
Westcol Radio Dispatch	KAD511.
Do	KTS268.

CONNECTICUT

Airpage	KCC802.
Associated Communications, Inc	KCI309.
Liberty Communications	KCC485.
Do	KCI310.
Mobilfone Radio System	KGA748.
RAM Broadcasting of Connecticut, Inc.	KLF531.
Sigma Communications Corp	KCC484.

DELAWARE

Professional Bureau, Inc	KTS240.
Radiofone Corp. of N.J	KGA800.

DISTRICT OF COLUMBIA

American Radio-Telephone Service, Inc.	KGA248.

FLORIDA

Anserfone, Inc	KIA955.
Anserfone of St. Lucie County, Inc.	KIG838.
Auto Phone Service	KIB384.
Do	KIY508.
Charlotte Electronics Corp	KSV894.
Charlotte Message Center	KIM903.
Do	KIQ513.
Do	KRH640.
Do	KRM952.
Do	KRS668.
H. B. James	KIQ515.
Mobilfone	KIF649.
Do	KIY593.
Do	KLF542.
Do	KLF639.
Do	KLF640.
Peacock Radio Service	KIJ357.
Do	KIY511.
Do	KLF662.
Radio Telephone Co. of Gainesville Inc.	KFL922.
Do	KIY464.
Do	KJU814.
Radiopaging, Inc	KIE367.
Do	KSV895.
Abe Schoenfeld	KIM906.
Do	KRM958.
Southern Radio-Phone, Inc	KLF537.
Do	KSV941.
Stevens Radio Communications	KLF491.
Tel-Car Corp	KIB527.
Do	KRM961.
Wells Fargo Armored Service Corp. of Florida.	KIA956.
Westside Answering Service	KFL877.
Do	KLF659.

GEORGIA

Commercial Radio, Inc	KJU796.
Communications Electrical Center, Inc.	KQZ712.
Douglas Radio	KRM967.
General Communications Service, Inc.	KIG296.
Do	KIY402.
Do	KIY527.
Do	KRM947.
Do	KSV965.
Georgia Paging Co	KQZ749.
Milledgeville Mobilefone, Inc	KSV939.
Radio Dalton, Inc	KIM900.
Radiofone of Georgia, Inc	KIR202.
Do	KJU807.
Do	KSV958.
Radio Telephone Service	KIJ356.
Do	KIY509.
Do	KIY583.
Do	KRM943.
Do	KTS269.
Savannah Radio Mobile-Telephone, Inc.	KIY588.

HAWAII

RadioCall, Inc	KSV924.
Do	KUA215.
Do	KUA217.
Do	KUA482.

IDAHO

Intermountain Mobilfone, Inc	KLF596.
Tel-Car, Inc	KLF490.
Telanswer Radiophone Service	KOA739.
Do	KUC853.

ILLINOIS

Baker Protective Service, Inc	KSD312.
Houser Communications, Inc	KQZ704.
Do	KSA265.
Do	KSC864.
Joliet Telephone Answering Service, Inc.	KSD313.
Kankakee Telephone Answering Service, Inc.	KSJ750.
Midwest Communications Co	KTS201.
Mobile Radio Systems Ltd	KQZ702.
Do	KSJ824.
Northern Ill. Radio Phone & Paging System, Inc.	KSA256.
Do	KSB590.
Do	KSD816.
Do	KTS200.
Radio Communications Corp	KLF608.
Do	KLF609.
Radio Relay Corp	KSC645.
Radio-Telephone, Du Page, Inc	KSD684.
Rockford Communications Co	KQZ744.
Do	KSJ610.
Rogers Radio Communications Service.	KSA262.
Do	KSC644.
Do	KSJ757.
Do	KSJ759.
Do	KSJ760.
Do	KSJ761.
Do	KTS204.
WJBC Communications Corp	KRM966.
Do	KSA746.

INDIANA

Calumet Radio Dispatch	KSC649.
Dial-A-Page, Inc	KSD320.
Do	KSV987.

Licensee	Call Sign
Lake Shore Communications	KQZ707.
Do	KTS281.
LaPorte County, Two-Way Radio.	KJU804.
Mobile Radio Communications of Gary.	KSD311.
Do	KSD315.
Moore's Service	KLF592.
Do	KSJ628.
Porter County Two-Way Radio	KSJ818.
Radiotelephone Co. of Indiana Inc.	KSA811.
RAM Broadcasting of Indiana Inc.	KSD327.
Do	KUC848.
South Shore Radio Telephone, Inc.	KSB591.
IOWA	
Answer Iowa, Inc	KAF244.
Do	KAF252.
Do	KAI934.
Do	KAL879.
Do	KCI306.
Do	KCI307.
Do	KFQ920.
Do	KJU809.
Do	KJU810.
Do	KLF586.
Do	KRS644.
Do	KRS707.
Do	KSV937.
Do	KSV938.
Do	KSW210.
Do	KTS219.
ATS Mobile Telephone, Inc	KUC839.
Council Bluffs Mobilephone	KTS229.
Waterloo Communications, Inc	KRM987.
Do	KRS706.
KANSAS	
Lett Electronics, Inc	KTS250.
Mayfield Answering Service	KRS685.
Radio Telephone Service	KFQ936.
Do	KIY761.
Do	KJU819.
Do	KQZ753.
Do	KRH665.
Telephone Answering Service, Inc.	KJU799.
Telephone Answering Service of Owensboro, Inc.	KIN649.
Do	KQZ722.
Tri-State Communications Co	KDT215.
Two-Way Radio Communications Co. of Kansas, Inc.	KAF650.
Do	KLF507.
LOUISIANA	
AAA Telephone Answering Service & Medical Exchange, Inc.	KQZ723.
Gulf Central Communications	KLF621.
Do	KKO352.
Jennings Mobilfone	KLF584.
Morgan City Mobilephone	KFJ896.
MAINE	
Racom, Inc	KCA752.
Radio Telephone of Maine	KRS712.
MARYLAND	
American Radio-Telephone Service, Inc.	KGA249.
Do	KGA590.
Salisbury Answering Service	KGH868.
Smith Communications Service	KGA250.
MASSACHUSETTS	
Electrocom Corp	KCB891.
Do	KSV955.
J. K. Communications	KTS211.
Merrimac Mobile Communication Co.	KCA688.
RAM Broadcasting of Massachusetts, Inc.	KCA745.
Do	KCC263.
S.M.W., Inc	KCI297.
Zipcall	KCB890.
Do	KTS212.
MICHIGAN	
Instant Communications, Inc	KQC576.
King Communications, Inc	KQD310.
Do	KSV935.
Mobile Radio Telephone & Paging Service, Inc.	KQK720.
Radio Dispatch Service	KUC845.
Radio Relay Corp	KQC884.
RAM Broadcasting of Michigan, Inc.	KQA338.
Do	KQC573.
Do	KQD303.
Do	KSV921.
Rapid Answering Service	KSV900.
Telephone Answering Service, Inc.	KLF539.
Do	KLF647.
Do	KQZ754.
Do	KSV963.
Telephone Communications Inc	KQK731.
Do	KQZ774.
Do	KUO554.
Do	KUO555.
Total Communications	KLF562.
Do	KLF591.
Do	KSV891.
Do	KWA673.
Traverse Answering Service	KRS702.
MINNESOTA	
Answer, Iowa, Inc	KFQ931.
Do	KRH672.
Arrowhead Business Radio Inc	KEK301.
Do	KFJ901.
Do	KRH654.
Mankato Answering Service, Inc.	KFL923.
Metro Fone Communications, Inc.	KRS655.
Minnesota Communications Corp.	KDN408.
Winona Paging Co	KLF588.
MISSISSIPPI	
AAA Anserphone, Inc.—Jackson.	KKV692.
Do	KLB703.
Do	KQZ740.
Do	KQZ788.
Do	KRH663.
Do	KRH666.
Do	KRS618.
Do	KRS705.
Do	KSW215.
Clarksdale Mobile Telephone, Inc.	KTS215.
Delta Communications, Inc	KQZ783.
Mobile Telecommunications Corp.	KKE968.
Gulf Mobilphone	KLF518.
MISSOURI	
Certified Communications, Inc	KAD925.
Mobile Radio Communications	KAA275.
Do	KSV904.
Physicians' & Businessmen's Paging Service, Inc.	KAD931.
Do	KAF254.
Potter Signal, Inc	KAF250.
R & L Radio	KFL910.
Radar Paging Service	KLF479.
Do	KLF538.
Do	KLF573.
Radio-Communication Co	KSV972.
Radio Relay Corp	KAA893.
Radiophone of Sedalia, Inc	KRS633.
RAM Broadcasting of Missouri	KFQ940.
Do	KUC873.
United Van Lines, Inc	KL5222.
MONTANA	
Blue Mountain Mobile Telephone Co.	KFQ922.
General Electronics Co	KLF492.
Do	KLF519.
James L. Munch	KOP307.
Omnicom	KOF914.
Radiopage	KRS658.
MASSACHUSETTS	
Boynton Communications	KCB893.
NEBRASKA	
ATS Mobile Telephone, Inc	KBM512.
Do	KQZ745.
NEVADA	
Vegas Instant Page	KFL943.
NEW HAMPSHIRE	
Tovey Services, Inc	KCC482.
NEW JERSEY	
Atlantic Counties, Inc	KTS279.
Mobile Telephone Co. of N.J	KRS620.
Radio Dispatch Co	KEC927.
Do	KGI774.
Radiofone Corporation of N.J	KEA256.
Do	KEC738.
Do	KEC744.
Do	KEC746.
Do	KEC933.
Do	KEJ886.
Do	KGI778.
Do	KQZ777.
Do	KRS674.
Tel-Air Communications, Inc	KSW214.
NEW YORK	
Peter A. Bakal	KEC514, KED364.
Capital Telephone Co., Inc	KEC937.
Carmody's Radio Paging Service, Inc.	KEK267.
Cayuga Telephone Co	KEK274.
Woodruff Groff Evans	KEA253.
Do	KEA344.
General Communications, Inc	KEC516.
Do	KEC737.
Do	KRH630.
Long Island Telephone Co	KEJ885.
Mt. Beacon Mobilephone Service.	KLF560.
Page Call, Inc	KEC935.
Mobilfone Radio System	KEA254.
Pocket Phone Broadcast Service, Inc.	KEA777.
Portable Communications, Inc	KEK289.
Do	KSV922.
Do	KSV966.
Do	KTS238.
Poughkeepsie Radio, Inc	KEJ882.
Do	KLF561.
Radio Call Co. of Long Island, Inc.	KED367.
Radio Relay Corp	KEC745.
Telephone Answering Service	KTS222.
Tri-Cities Answering Service, Inc.	KEK296.
Do	KEC930.
NORTH CAROLINA	
Anserphone of Goldsboro, Inc	KRH678.
T. D. Miller, III	KRH660.
T. D. Miller	KUA283.
Mobile Radiotelephone Corp	KIY725.
Ormond's, Inc	KIK363.
OHIO	
Akron Mobile Telephone, Inc	KQK713.
Anserphone, Inc	KQK714.
Do	KQK773.
Do	KQK587.
Area-Wide Paging System, Inc	KQK593.
Carpenter Radio Co	KQK730.
Do	KQZ726.
Cleveland Mobile Telephone, Inc.	KQA646.
Do	KQB692.

Licensee	Call Sign
Medical-Dental Bureau, Inc.	KEK302.
Mobilfone Exchange of Sandusky.	KLF529.
National Mobile Radio	KQC881.
Newark Radio Telephone Co.	KTR990.
Ohio Mobile Telephone Co., Inc.	KQK711.
Do	KQK733.
Radio Relay Corp.	KQC877.
OREGON	
Autofone Company	KOP257.
Mobile Radio Communication Service, Inc.	KOA264.
Do	KSV961.
Oregon Mobile Radio	KOP311.
RAM Broadcasting of Oregon, Inc.	KUC874.
PENNSYLVANIA	
Joines Telephone Answering & Radio Communications.	KGH870.
Lehigh Valley Mobile Telephone Co.	KTS217.
Mobile Communications Service, Inc.	KGC398.
Mobilefone of NE. Pa. Inc.	KGC400.
Do	KGC404.
Do	KGI781.
Philadelphia Mobile Telephone Company.	KGI775.
Professional Communications, Inc.	KGH857.
Radio Broadcasting Co.	KGB874.
Rendevous Paging Corp.	KGC222.
Do	KGI278.
Scott Communications, Inc.	KGB875.
Charles B. Shafer	KGC397.
Charles L. Slocum	KGI770.
Susquehanna Mobile Communications, Inc.	KGC599.
Do	KGI784.
RHODE ISLAND	
Mobilephone Paging Radio Corp.	KCA725.
Do	KRS653.
SOUTH DAKOTA	
Mitchell Radio Paging	KUC890.
Wescom	KRS617.
TENNESSEE	
Radio Call Co.	KFJ902.
Southeast Mobilphone, Inc.	KCI308.
Do	KFL916.
Do	KIK580.
Do	KLF611.
Do	KLF619.
Do	KQZ742.
CALIFORNIA	
Santa Cruz Telephone Answering & Radio Service.	KME437.
NEW MEXICO	
Caprock Radio Dispatch	KKO353.
Do	KKJ449.
Do	KLF602.
Do	KQZ738.
Do	KLB311.
Vernon H. Johnson	KKT397.
Mobaphone of New Mexico	KFL897.
Do	KLB315.
Mobile Telecommunications Corp.	KLB566.
Do	KLB687.
Sierra Communications	KFL891.
NEW YORK	
Professional Answering Service.	KEC989.
PUERTO RICO	
San Juan Radio Telephone Co.	KQZ767.
Do	WWA311.

Licensee	Call Sign
TEXAS	
Autophone of Del Rio, Inc.	KFJ889.
Autophone of Laredo	KLF536.
Autophone of San Antonio	KKJ451.
Do	KRS651.
Central Radio Dispatch, Inc.	KKI460.
Do	KLB514.
Hereford Communications	KOP327.
Houston Mobilfone, Inc.	KKA343.
Houston Radiophone Service	KKA344.
Mobaphone Dispatch Service	KLB330.
Mobile Telecommunications Corp.	KLB563.
Do	KKV688.
Do	KUC383.
Mobilfone	KLB562.
Do	KLF601.
Do	KKG565.
Mobilfone Communications, Inc.	KLF661.
Do	KKX714.
Mobilephone of Texas, Inc.	KLB322.
Do	KQZ708.
Mobilfone of Tyler	KLB493.
Do	KRS710.
Page A Fone Corp.	KKG410.
Do	KKG562.
Do	KKX712.
Do	KFL902.
Port Arthur Mobile Phone	KRS642.
Radio Dispatch, Inc.	KLB678.
Do	KLB701.
Do	KJU811.
Radio Paging Service	KLF600.
Do	KKQ965.
Do	KKE970.
Morrison Radio Relay Corp.	KKJ460.
RAM Broadcasting of Texas, Inc.	KKG412.
Ranch Radio, Inc.	KUA276.
Do	KLB324.
Do	KKT412.
Do	KKX713.
Ratel Communications Co.	KKO341.
Do	KLF556.
Do	KLF477.
Do	KKX709.
Do	KLB716.
Do	KQZ789.
Do	KLB802.
Do	KFL911.
Road Runner Radio Paging Service, Inc.	KKN282.
Do	KRH650.
Do	KQZ761.
Waco Communications, Inc.	KKJ453.
Do	KLB498.
Do	KLF635.
Do	KKG416.
Do	KQZ760.
Joe C. Richardson d/b as Bowie Electronics Co.	KFJ886.
UTAH	
Industrial Communications	KOP321.
Do	KTR994.
VIRGINIA	
RCC of Virginia	KFQ938.
Do	KIA334.
Do	KIY394.
Do	KIY595.
Do	KIY780.
Do	KIY783.
Do	KLF465.
Do	KLF471.
Do	KLF629.
Do	KLF517.
Do	KRH653.
Do	KRS634.
Do	KRS676.
Do	KTS243.
VIRGIN ISLANDS	
West Indies Communications, Inc.	WWA336.

Licensee	Call Sign
WASHINGTON	
Everett Ambulance & Doctors Service, Inc.	KLF598.
Mobile Radio Communications Service, Inc.	KFL919.
X. Nady, Jr.	KLF597.
Do	KLF620.
Public Service Association, Inc.	KRS679.
Radio Page of Tacoma	KOP258.
Do	KOP299.
RAM Broadcasting of Washington, Inc.	KTR996.
Seattle Radiotelephone Service.	KLF604.
Do	KOA733.
Do	KOA799.
Telepage, Inc.	KLF605.
WISCONSIN	
Curtin Call Communications, Inc.	KLF478.
Do	KQZ785.
Do	KRS630.
Do	KSD318.
Do	KSV995.
Do	KSV988.
Do	KSV989.
Do	KTS231.
Do	KTS232.
Racine Private Police, Inc.	KLF464.
Maureen L. Smith	KRS715.
The Telegraph Herald, Inc.	KRS641.
Telephone Communications, Inc.	KLF607.
Do	KLF645.
Do	KRM974.
Do	KRH668.
Do	KRS627.
Do	KSJ762.
WYOMING	
Dome Communications	KLF516.

RURAL RADIO SERVICE

60222-C6-P/L-74, Jack R. Zeckman d/b as West Montana Mobile Telephone (New). C.P. for a new rural subscriber station to operate on 158.67 MHz at temporary locations within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3361-C1-P/ML-74, American Telephone and Telegraph Company (KQD79), 2.5 Miles NW of Kalamazoo, Michigan. Lat. 42°20'40" N., Long. 85°37'41" W. C.P. and Mod. of License to add freq. 3890V MHz toward Lacey, Mich., on corrected azimuth 65°31' and change geographical coordinates.

3362-C1-P/ML-74, Same (KQF61), 0.2 Mile South of Lacey, Michigan. Lat. 42°29'27" N., Long. 85°11'28" W. C.P. and Mod. of License to add freq. 3930V MHz toward Battle Creek, Mich. on corrected azimuth 183°33'.

3363-C1-P-74, General Telephone Company of Florida (KIL88), corner of Zack and Morgan Streets, Tampa, Florida. Lat. 27°57'01" N., Long. 82°27'24" W. C.P. to change power and increase the message circuit capacity from 1,200 to 1,500 voice channels on freqs. 3750V, 3830V, 3850H, 3910V, 3930H, 3990V, 4070V, 4150V, 4170H MHz toward Knights, Fla., on azimuth 58°50'.

3364-C1-P-74, Same (KJD20), 2.8 Miles North of Knights, Florida. Lat 28°06'56" N., Long. 82°08'52" W. C.P. to change power and increase the message circuit capacity from 1,200 to 1,500 voice channels on freqs. 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, 4110V, 4130H MHz toward Tampa, Fla., on azimuth 238°59'; freqs. 3710V, 3790H, 3810V, 3870V, 3890H, 3950V, 4030V, 4110V, 4130H MHz toward Polk City, Fla., on azimuth 57°08'.

3365–C1–P–74, American Telephone and Telegraph Company (WDE72), 3951 Erato St., New Orleans, Louisiana. Lat. 29°57'14" N., Long. 90°05'54" W. C.P. to add freq. 3990V MHz toward LaPlace, La., on azimuth 286°57'.

3366–C1–P–74, Same (KKN28), 2.0 Miles SE of LaPlace, Louisiana. Lat. 30°02'50" N., Long. 90°27'07" W. C.P. to add freq. 3950H MHz toward Sorrento, La., on azimuth 293°22'.

3367–C1–P–74, Same (KKN29), Sorrento, 2.25 Miles SE of Gonzales, Louisiana. Lat. 30°12'36" N., Long. 90°53'15" W. C.P. to add freq. 3990H MHz toward Baton Rouge, La., on azimuth 312°58'.

3368–C1–P–74, Same (KKN30), 555 Florida Street, Baton Rouge, Louisiana. Lat. 30°26'59" N., Long. 91°11'06" W. C.P. to add freq. 4030H MHz toward Clinton, La., on azimuth 12°12'.

3369–C1–P–74, Same (KLD56), 3.5 Miles WSW of Clinton, Louisiana. Lat 30°51'20" N., Long. 91°05'00" W. C.P. to add freq. 4070H MHz toward Baton Rouge, La., on azimuth 192°15'; freq. 4070H MHz toward Gloster, La., on azimuth 07°09'.

3370–C1–P–74, American Telephone and Telegraph Company (KLD55), 3.0 Miles SSW. of Gloster (Amite), Mississippi. Lat. 31°08'50" N., Long. 91°02'27" W. C.P. to add freq. 4030H MHz toward Clinton, Miss., on azimuth 187°10'; freq. 4030H MHz toward Auburn, Miss., on azimuth 48°36'.

3371–C1–P–74, Same (KLD54), 8.5 Miles WNW. of Auburn, Mississippi. Lat. 31°22'04" N., Long. 90°44'56" W. C.P. to add freq. 4070H MHz toward Gloster, Miss., on azimuth 228°45'; freq. 4070H MHz toward Wesson, Miss., on azimuth 42°58'.

3372–C1–P–74, Same (KLD53), 1.75 Miles SW. of Wesson, Mississippi. Lat. 31°40'18" N., Long. 90°25'03" W. C.P. to add freq. 4030H MHz toward Auburn, Miss., on azimuth 223°08'; freq. 4030H MHz toward Star, Miss., on azimuth 34°13'.

3373–C1–P–74, Same (KLD52), 5.6 Miles SW. of Star, Mississippi. Lat. 32°02'38" N., Long. 90°07'12" W.C.P. to add freq. 4070H MHz toward Wesson, Miss.; freq. 4150H MHz toward Jackson, Miss., on azimuth 347°40'.

3374–C1–P–74, Same (KKN22), 201 E. Capitol Street, Jackson, Mississippi. Lat. 32°17'58" N., Long. 90°11'09" W. C.P. to add freq. 4110H MHz toward Star, Miss., on azimuth 167°37'; freq. 4030H MHz toward Cynthia, Miss., on azimuth 327°41'.

3375–C1–P–74, Same (KRT26), 0.3 Mile SW. of Cynthia, Mississippi. Lat 32°23'36" N., Long. 90°15'21" W. C.P. to add freq. 4070H MHz toward Jackson, Miss., on azimuth 147°39'; freq. 4070V MHz toward Canton, Miss., on azimuth 20°59'.

3376–C1–P–74, Same (KRT25), 8 Miles SW. of Canton, Mississippi. Lat. 32°33'52' N., Long. 90°10'42" W. C.P. to add freq. 4030V MHz toward Cynthia, Miss., on azimuth 201°01'; freq. 4C30V MHz toward Pickens, Miss., on azimuth 12°03'.

3377–C1–P–74, Same (KLN22), 7.6 Miles West of Pickens, Mississippi. Lat. 32°52'11" N., Long. 90°06'04" W. C.P. to add freq. 4070V MHz toward Canton, Miss., on azimuth 192°05'.

3378–C1–P–74, Southern Bell Telephone and Telegraph Company (KJD26), 280 Summers Avenue, Orangeburg, South Carolina. Lat. 33°29'41" N., Long. 80°51'38" W. C.P. to change antenna system and add freqs. 6004.5V, 6123.1V MHz toward a new point of communication at St. George, S.C., on azimuth 142°13'.

3379–C1–P/L–74, Michigan Bell Telephone Company (New), 230 Spring Street, Battle Creek, Michigan. Lat. 42°19'04" N., Long. 85°12'20" W. C.P. and License for a new station on freq. 6390H MHz toward WUHQ–TV, Battle Creek, Mich., on azimuth 289°49'.

3380–C1–P–74, Southern Pacific Communications Company (New), SP Yard, San Antonio, Texas. Lat. 29°26'02" N., Long. 98°27'36" W. C.P. for a new station on freq. 11425V MHz on azimuth 230°27' toward SP Depot, San Antonio, Tex.

3381–C1–P–74, Same (New), SP Depot, San Antonio, Texas. Lat. 29°25'15" N., Long. 98°28'41" W. C.P. for a new station on freq. 10775V MHz on azimuth 50°27' toward SP Yard, San Antonio, Texas.

3382–C1–P–74, Same (WQO41), 1.5 Miles SE. of Running Springs, California. Lat. 34°11'19" N., Long. 117°05'56" W. C.P. to change azimuth toward San Bernardino, Calif., to 239°35' on freq. 11305V MHz.

3383–C1–P–74, Same (WQO42), Between "E" and "F" Streets, San Bernardino, California. Lat. 34°05'35" N., Long. 117°17'39" W. C.P. to change antenna location on freq. 10775V MHz on azimuth 59°28' toward Running Springs, Calif.

3384–C1–P–74, Southern Pacific Communications Company (New), 60 Hudson St., 13th Floor, New York, New York. Lat 40°43'03" N., Long. 74°00'33" W. C.P. for a new station on freq. 11015V MHz on azimuth 29°37' toward Empire State Building, New York, N.Y.

3385–C1–P–74, Same, Empire State Building, 5th Avenue at 34th St., New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. for a new station on freq. 11625V MHz on azimuth 209°38' toward 60 Hudson St., New York, N.Y.

3386–C1–P–74, Midwestern Relay Company (WPF44), Galesville, Wisconsin (At WKBT–TV Transmitter). Lat. 44°05'28" N., Long. 91°20'15" W. C.P. to add freq. 6197.2H MHz toward LaCrosse (WKBT–TV), Wisc., on azimuth 166°54'.

3387–C1–P–74, Same (WKR95), Curran, 3.2 Miles SSW. of Northfield, Wisconsin. Lat. 44°24'50" N., Long. 91°06'38" W. C.P. to add freq. 6152.8H MHz toward Galesville, Wisc., on azimuth 206°53'.

3388–C1–P–74, Beaver State Telephone Company (New), Black Cap Mtn., 1½ Miles NE. of Lakeview, Oregon. Lat. 42°12'24" N., Long. 120°19'18" W. C.P. for a new station on freq. 2172.0V MHz toward Round Mtn., Oreg., on azimuth 335°2'.

3389–C1–P–74, Same (New), Round Mountain, Oregon. Lat. 42°29'37" N., Long. 120°30'08" W. C.P. for a new station on freq. 2122.0V MHz toward Black Cap Mountain, Oreg., on azimuth 154°5'.

3390–C1–P–74, Michigan Bell Telephone Company (KVU87), 4.5 Miles SW. of Milford, Michigan. Lat. 42°33'23" N., Long. 83°41'41" W. C.P. to change power and to increase the message circuit load from 600 channel to 1,200 channel capacity on freq. 11425H MHz toward Pontiac, Mich., on azimuth 74°26'.

3391–C1–P–74, Same (KVU86), 54 N. Mill Street, Pontiac, Michigan. Lat. 42°38'20" N., Long. 83°17'25" W. C.P. to change power and increase the message circuit load from 600 channel to 1,200 channel capacity on freq. 10855H MHz toward Milford, Mich., on azimuth 254°42'.

3392–C1–P–74, American Telephone and Telegraph Company (KZS72), 3.0 Miles North of Blackstone, Massachusetts. Lat. 42°03'39" N., Long. 71°33'19" W. C.P. to add freq. 4010V MHz toward Worcester, Mass., on azimuth 317°51'.

3393–C1–P–74, Same (KZS67), 15 Chestnut Street, Worcester, Massachusetts. Lat. 42°15'55" N., Long. 71°48'17" W. C.P. to add freq. 3970V MHz toward Blackstone, Mass., on azimuth 137°41'.

3394–C1–P–74, Pacific Telephone and Telegraph Company (KKU52), Sierra Morena, 3 Miles SW. of Woodside, California. Lat. 37°24'38" N., Long. 122°18'21" W. C.P. to add freq. 4010H MHz toward San Francisco, Calif., on azimuth 345°30'; freq. 4010H MHz toward Loma Prieta Mtn., Calif., on azimuth 129°09'.

3395–C1–P–74 Same (KMJ93), Loma Prieta Mountain, California. Lat 37°06'31" N., Long. 121°50'39" W. C.P. to change antenna system and add freq. 3970H MHz toward Sierra Morena, Calif., on azimuth 309°26'; freqs. 4050H, 4130H MHz toward Chualar, Calif. on azimuth 149°14'; freqs. 3730H, 3810H, 3890H MHz toward San Jose (WJK94), Calif., on azimuth 356°45'; change antenna system on freqs. 10755V, 10915V, 10995V, 11075V, 11155V MHz toward San Jose (KMJ91), Calif., on azimuth 350°20'.

3396–C1–P–74, Same (WJK94), Within San Jose, California. Lat 37°17'07" N., Long. 121°51'24" W. C.P. to add freqs. 3770H, 3850H, 3930H MHz toward a new point of communication at Loma Prieta Mtn., Calif., on azimuth 176°45'.

3397–C1–P–74, Same (KNB53), 99 Moultrie Street, San Francisco, California. Lat. 37°44'36" N., Long. 122°24'51" W. C.P. to add freq. 3970H MHz toward Sierra Morena, Calif., on azimuth 165°26'.

3398–C1–P–74, Same (WHB66), 6.8 Miles North of Chualar, California. Lat. 36°40'06" N., Long. 121°31'09" W. C.P. to add freqs. 4090H, 4170H MHz toward Loma Prieta Mtn., Calif., on azimuth 329°25'; freqs. 4090H, 4170H MHz toward Greenfield, Calif., on azimuth 158°36'.

3399–C1–6–74, The Pacific Telephone and Telegraph Company (WHB67), 7.6 Miles SSW. of Greenfield, California. Lat. 36°13'-11" N., Long. 121°18'08" W. C.P. to add freqs. 4050H, 4130H MHz toward Chualar, Calif., on azimuth 338°43'; freqs. 4050V, 4130V MHz toward San Ardo, Calif., on azimuth 136°15'.

3400–C1–P–74, Same (WHB68), 6.7 Miles SW. of San Ardo, California. Lat. 35°57'14" N., Long. 120°59'23" W. C.P. to add freqs. 4090V, 4170V MHz toward Greenfield Calif., on azimuth 316°26'; freqs. 4090H, 4170H MHz toward Tassajera, Calif., on azimuth 157°37'.

3401–C1–P–74, Same (KMZ71), Tassajera, 5.5 Miles West of Santa Margarita, California. Lat. 35°23'37" N., Long. 120°42'29" W. C.P. to add freqs. 4050H, 4130H MHz toward San Ardo, Calif., on azimuth 337°47'; freqs. 4050H, 4130H MHz toward Santa Marie, Calif., on azimuth 153°11'.

3402–C1–P–74, Same (KMX57), 308 West Cypress Street, Santa Marie, California. Lat. 34°57'02" N., Long. 120°26'19" W. C.P. to add freqs. 4090H, 4170H MHz toward Tassajera, Calif., on azimuth 33°32'; freqs. 4010H, 4090H MHz toward Santa Ynez Peak, Calif., on azimuth 137°33'.

3403–C1–P–74, Same (KMX56), Santa Ynez Peak, 5 Miles NE. of Capitan, California. Lat 34°31'36" N., Long. 119°58'16" W. C.P. to add freqs. 3970V, 4050V MHz toward Hall Canyon Hill, Calif., on azimuth 111°29'; freqs. 3970H, 4050H MHz toward Santa Maria, Calif., on azimuth 317°49'.

3404–C1–P–74, Same (KMX55), Hall Canyon Hill, 1.5 Miles NE. of Ventura, California. Lat. 34°17'47" N., Long. 119°16'21" W. C.P. to add freqs. 4010V, 4090V MHz toward Santa Ynez Peak, Calif., on azimuth 291°53'; freqs. 3750H, 3830H MHz toward Topanga Ridge, Calif., on azimuth 111°46'.

3405–C1–P–74, Same (WDD99), Topanga Ridge, 2.3 Miles West of Fernwood, California. Lat. 34°05'02" N., Long. 118°38'16"

W. C.P. to add freqs. 3710V, 3790V MHz toward Los Angeles, Calif., on azimuth 95°49'; freqs. 3710H, 3790H MHz toward Hall Canyon Hill, Calif., on azimuth 292°07'.

3406-C1-P-74, Same (KMA38), 434 South Grand Avenue, Los Angeles, California. Lat. 34°03'02" N., Long. 118°15'08" W. C.P. to add freqs. 3750V, 3830V MHz toward Topanga Ridge, Calif., on azimuth 276°02'.

3407-C1-P-74, American Telephone and Telegraph Company (KGH83), 2.5 Miles ESE. of Lionville, Pennsylvania. Lat. 40°03'06" N., Long. 75°36'40" W. C.P. to change antenna system and add freq. 2170V MHz toward Valley Forge, Pa., on azimuth 76°1'.

3408-C1-MP-74, N-Triple-C Inc. (WOI51). Mod. of C.P. to change station location to H and Westfall, San Antonio, Texas. Lat. 29°24'21" N., Long. 98°26'41" W. and to change radio path azimuth toward New Braunfels, Tex., to 30°54'.

3409-C1-MP-74, Same (WOI50), 2.5 Miles WNW. of New Braunfels, Texas. Lat. 29°42'56" N., Long. 98°13'56" W. Mod. of C.P. to change radi path azimuth and point of communication to 211°1' and H and Westfall Avenue, San Antonio, Texas, respectively.

MULTIPOINT DISTRIBUTION SERVICE

50040-C5-P-74, Digital Paging Systems, Inc. (New). Tenneco Building, 1010 Milam, Houston, Texas. Lat. 29°45'27.5" N., Long. 95°22'01" W. C.P. for a new station on freq. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50041-C5-74, Same (New). Commerce Tower Building, 911 Main Street, Kansas City, Missouri. Lat. 39°06'12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Kansas City, Missouri.)

Correction

50028-C5-P-74, thru 50037-C5-P-74, Digital Paging Systems, Inc. The horizontal and vertical polarizations for freqs. 2160.75 (Visual) and 2156.25 (Aural) MHz were erroneously omitted from Public Notice #690, dated March 4, 1974. These stations are located within the states of Louisiana, Minnesota, Ohio, Maryland, Arizona, Missouri, Texas, and Illinois. (All other particulars same as previously reported.)

50038-C5-P-74, Tel-Car Corp. (New). The horizontal and vertical polarizations for freqs. 2160.75 (Visual) and 2156.25 (Aural) MHz were erroneously omitted from Public Notice #690, dated March 4, 1974. (All other particulars same as previously reported.)

[FR Doc.74-6397 Filed 3-20-74;8:45 am]

FEDERAL ENERGY OFFICE

RETAIL DEALERS GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Retail Dealers Group, established under the authority of section 212(f) of Economic Stabilization Act, as amended; Executive Order 11748; section 4(a) (iv) of Executive Order 11695, and Cost of Living Council Order No. 47, will meet on Monday, March 25, 1974 at 9:00 a.m. in the Golden Gate Room of Del Webb's TowneHouse, Market and Eighth Street, San Francisco, California.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline and diesel fuel. The agenda for the meeting is as follows:

I. OLD BUSINESS

A. Allocation.
1. Company Distribution.
2. State Distribution.
B. Rental/Lease Agreements with Oil Companies.
C. Pricing Problems.
1. Small Stations—25,000 gallons or less monthly.
2. Reduced Earnings.

II. NEW BUSINESS

A. Penetration by Major Oil Firms of Retail Gas Industry.
B. New Rules and Regulations.
C. Pump Stickers.
D. Impact of Retail Gas Prices on Tourist Industry.
E. Remarks from the floor (10 minutes rule).

This meeting is open to the public; however, space and facilities are limited.

The chairman of the group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning and Regulations, Federal Energy Office, Washington, D.C. 20508. Area code 202/961-8324. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C. on March 19, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-6733 Filed 3-20-74;9:47 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74-10]

FREIGHT FORWARDER BIDS ON GOVERNMENT SHIPMENTS AT UNITED STATES PORTS

Order of Investigation and Hearing

For many years the General Service Administration (GSA) has solicited bids at various United States' ports for forwarding services on certain Government shipments. The contract is generally awarded to the freight forwarder bidding the lowest fee to the Government at each of the involved ports. This procedure has occasioned complaints from individual forwarders and forwarder associations.

The gist of these complaints is that these low bids are preferential to the Government shippers and prejudicial to commercial shippers under section 16, First, of the Shipping Act, 1916, (46 U.S.C. 815) and are a reduction of the forwarder's regular fees in consideration of receiving carrier compensation in violation of § 510.24(b) of General Order 4.

Section 16, First, of the Shipping Act, 1916, makes it unlawful for any person subject to the Act (including forwarders) to make or give any undue or unreasonable preference or advantage to any particular person or traffic, or to subject any particular person or traffic to any undue or unreasonable prejudice or disadvantage.

Section 510.24(b) of General Order 4 provides as follows:

"No licensee shall render, or offer to render, any forwarding service free of charge or at a reduced freight forwarding fee in consideration of the licensee receiving compensation from ocean-going common carriers on the shipment; provided, however, that a licensee may perform freight forwarding services for recognized relief agencies or charitable organizations designated as such in the tariff of the ocean-going common carrier, free of charge, or at reduced fees."

Section 510.21(m) of General Order 4 defines the term "reduced forwarding fees" as meaning "changes to a principal for forwarding services that are below the licensee's usual charges."

A number of informal complaints received within the last year have questioned the level of the freight forwarding fees bid at various ports for fiscal year 1973. The bid rates varied from as low as $.045 at New York, N.Y. to $15.00 at Chicago, Illinois. As a result, on April 27, 1973, the Commission pursuant to section 21, Shipping Act, 1916, (46 U.S.C. 820) directed the forwarders listed in Appendix A to provide certain statistical information regarding GSA shipments and commercial shipments handled by them during a representative period (July 1 through December 31, 1972). On the basis of the responses to these section 21 Orders, we are of the opinion that the practices of the forwarders listed in Appendix A, as they relate to bidding for GSA forwarding contracts, and rendering service thereunder, must be made the subject of an investigation to determine the lawfulness thereof under section 16, First, Shipping Act, 1916, and/or § 510.24(b) of the Commission's General Order 4.

Because the resolution of these issues may ultimately affect the future activities of all licensed ocean freight forwarders, inasmuch as any freight forwarder may bid on GSA contracts when they are offered annually, the investigation instituted by this order will also be conducted with a view toward possible amendment to the Commission's General Order 4, including the possible granting of an exemption under section 35, Shipping Act, 1916, and/or taking such other action as may be warranted by the record.

Therefore it is ordered, That pursuant to sections 16 and 22 of the Shipping Act, 1916 (46 U.S.C. 815 and 821) an investigation shall be instituted to determine whether the practices of respondents named herein, as they relate to bidding for GSA forwarding contracts and rendering services thereunder, are in violation of Section 16 of the Shipping Act, 1916, by subjecting a person, locality or description of traffic to unreasonable preference or advantage or prejudice or disadvantage; and

It is further ordered, That such investigation shall determine whether the practices of respondents named herein are contrary to the provisions of § 510.24

(b) of the Commission's General Order 4; and

It is further ordered, That as part of this investigation a determination shall be made as to whether the Commission's General Order 4 should be amended to include a rule governing the practices of forwarders bidding on GSA contracts and providing services thereunder, or possibly exempting such forwarder practices from Commission regulation under section 35 of the Shipping Act, 1916, (46 U.S.C. 833a). If the record developed in this proceeding demonstrates that such a rule is needed, the initial decision shall propose the promulgation of an appropriate rule. Since any such proposed amendment to General Order 4 would govern the activities of all licensed forwarders in the future, notice is hereby given that any ocean freight forwarders, not named respondents herein, who desire to participate in this proceeding and express their views with respect to any proposed amendments to General Order 4 should intervene and participate in this proceeding to the extent they deem necessary.

It is further ordered, That a public hearing be held before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge; and

It is further ordered, That the freight forwarders listed in Appendix A hereto are hereby named respondents in this proceeding; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon all parties and upon the Commission's Bureau of Hearing Counsel; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That any persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein, particularly including ocean freight forwarders not named respondents herein who desire to express their views with respect to any proposed amendments to Commission General Order 4 shall file a petition to intervene in accordance with rule 5(l) (46 CFR 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Air-Sea Forwarders, Inc., 10425 La Cienega Blvd., Los Angeles, Calif. 90045, FMC No. 903.
Alltransport Incorporated, 17 Battery Place, New York, N.Y. 10004, FMC No. 300.
Geo. S. Bush & Co., Inc., 259 Colman Bldg., Seattle, Wash. 98104, FMC No. 308.
Cobal International, Inc., 637 Wyckoff Ave., Wyckoff, N.J. 07481, FMC No. 196.
Gulf Florida Terminal Company, Thirteenth and York St., P.O. Box 2481, Tampa, Fla. 33601, FMC No. 78.
Meyer Shipping Company, 5 Beekman Place, New York, N.Y. 10038, FMC No. 580.
Ros Forwarding Services, 7240 N.W. 25th St., Miami, Florida 33122, FMC No. 1286.
W. O. Smith and Company, Inc., 225 Broadway, New York, N.Y. 10007, FMC No. 481.

[FR Doc. 74-6563 Filed 3-20-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8643]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Rate Changes

MARCH 13, 1974.

Take notice that Public Service Company of Indiana, Inc. (PSI) on February 18, 1974, tendered for filing First Supplement to the Interconnection Agreement of October 20, 1971, between PSI and the City of Frankfort, Indiana. The First Supplement is dated October 4, 1973 and provides for an increase in firm energy charges (Subsection 4.3 of section 4 of the Agreement) and for the update of the fuel adjustment clause (section 6 of the Agreement).

PSI proposes an increase of $0.0009 per kilowatt hour (KWH) in firm energy charges. PSI states that this increase is needed to provide for an increase in the base cost of fuel from $0.20 per million British Termal Units (BTU) to $0.28 per million BTU.

PSI also proposes an adjustment of the firm energy charge $0.000055 for each KWH. Such charge would be based on an increase or decrease of $0.005 to the base cost of fuel, which is set at $0.28 per million BTU, for any period of three successive calendar months. PSI states that this adjustment results from the reduction of the incremental adjustment factor, based on PSI's average heat rate for 1972, from $0.000060 to $0.000055 per KWH for each full half-cent ($0.005) the average cost of fuel is greater than or less than the base cost of fuel.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make those protesting 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.74-6520 Filed 3-20-74;8:45 am]

[Docket No. RP66-12]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Filing of Refund Releases

MARCH 14, 1974.

Take notice that on February 19, 1974, North Penn Gas Company (North Penn) tendered for filing releases from its Federal Power Commission jurisdictional customers pertaining to refunds made to them by North Penn. North Penn states that these refunds constituted a flow-through of a refund received from Consolidated Gas Supply Corporation in Texas Eastern Transmission Corporation, Docket No. RP66-12 and were made in accordance with Commission Orders dated August 10, 1971, and August 3, 1973, in Docket No. RP66-12.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 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.74-6522 Filed 3-20-74;8:45 am]

[Docket No. CP74-224]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 14, 1974.

Take notice that on March 1, 1974, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001 and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 (Applicants), filed in Docket No. CP74-224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for use as an additional point for the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they are presently engaged in the exchange of natural gas on an Mcf-for-Mcf basis at various points as provided in Applicants' rate schedules.[1]

[1] There is a currently effective exchange agreement between Texas Eastern and Transco dated November 1, 1960 (Rate Schedule X-14 of Texas Eastern's FPC Gas Tariff Original Volume No. 2 and Rate Schedule X-14 of Transco's FPC Gas Tariff, Original Volume No. 2).

By this application Applicants request authorization to construct and operate an interconnection between their systems in Beauregard Parish, Louisiana, to serve as an additional point of exchange. The application states that Applicants will jointly own and Texas Eastern will operate the proposed exchange point, consisting of a meter and regulator station and appurtenant facilities. Applicants estimate said facilities will cost $139,400 which cost will be financed initially from available cash.

The application states that the proposed exchange point will provide added flexibility for operations under the subject exchange agreement and will serve as a protective meaure to insure the continuity of service by Applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 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 reqiured 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.74-6521 Filed 3-20-74;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Notice of Motion To Substitute Tariff Sheets

MARCH 14, 1974.

Take notice that on January 31, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a motion to make substitute revised tariff sheets [1] effective on April 1, 1974, in lieu of the sheets which would otherwise become effective on that date.[2]

Texas Gas states that the purpose of the motion is to permit Texas Gas to include in its rate level which will be charged and collected in the instant proceeding effective April 1, 1974, certain increases in the cost of purchased gas which have occurred subsequent to the initial filing on October 1, 1973.

Texas Gas states that these increases are due to the following factors: (1) The "actual" balance in Deferred Account No. 191 and changes in its supplier rates known to be effective on or before February 1, 1974, both of which were included in its February 1, 1974 PGA filing. Texas Gas states that in order to recover, in its rates, the actual costs of purchase gas as reflected in its February 1, 1974 filing, it is necessary to reflect the same level of gas purchased costs in the April 1, 1974 rates; (2) Subsequent to October 1, 1973, the State of Louisiana enacted an increase in its severance tax from 3.3¢ to 7.0¢ per Mcf effective January 1, 1974. Texas Gas states that Order No. 500 entitled "Order Waiving Certain Requirements of the Regulations with Respect to Filing Rate Schedule Supplements Relating to Increase in Severance Tax of the State of Louisiana and Establishing Procedures with Respect to Such Filings" does not provide adequate protection for Texas Gas. Texas Gas states that Order No. 500 allows Texas Gas to accumulate the increased costs relating to the new tax in its deferred account. Texas Gas maintains such deferral will reduce its cash flow since it is precluded from reflecting such increases in its rates until August 1, 1974, because: (a) Rate changes pursuant to its purchased gas adjustment clause are made effective only on February 1 and August 1 and (b) the PGA clause requires 45 days' notice prior to such annual adjustment dates.

Finally Texas Gas states that the increase in costs amounts to approximately $12,000,000.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 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.74-6524 Filed 3-20-74;8:45 am]

[1] Second Substitute Eighth Revised Sheet No. 7, Substitute First Revised Sheet No. 102.

[2] Eighth Revised Sheet No. 7, First Revised Sheet No. 102.

[Docket No. RP74-20]

UNITED GAS PIPE LINE CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On February 27, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued November 6, 1973 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Evidence by Staff, May 24, 1974.
Prehearing conference, June 13, 1974 (10:00 a.m. e.d.t.).
Service of Evidence by Intervener, June 24, 1974.
Service of Rebuttal Evidence by Company, July 12, 1974.
Hearing, July 25, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6523 Filed 3-20-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Change in Rates

MARCH 14, 1974.

Take notice that United Natural Gas Company (United) on March 5, 1974 tendered for filing Fourth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. United requests an effective date of April 6, 1974 for said Sheet.

United states that the Revised Sheet reflects an adjustment of rates of .63¢ per Mcf under section 16 of the general terms and conditions. United states that this would generate an increase of $285,544 annually over the revenues that would be generated by the rates set forth in Third Revised Sheet No. 3-A, effective March 1, 1974. United further states that copies of this filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 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.74-6525 Filed 3-20-74;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On March 11, 1974, Valley Gas Transmission, Inc., filed a motion for a limited extension of time. The motion states that all participants had been consulted, including the Staff, and were all agreeable to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified:

Service of evidence by Valley, March 22, 1974.
Service of evidence by Staff, April 19, 1974.
Service of evidence by intervenors, May 3, 1974.
Service of rebuttal evidence by Valley, May 17, 1973.
Prehearing Conference, June 11, 1973 (10:00 a.m. e.d.t.).
Hearing, June 11, 1973 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6527 Filed 3-20-74;8:45 am]

[Docket No. E-7555]

WISCONSIN-MICHIGAN POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 14, 1974.

On March 11, 1974, Interveners[1] filed a motion for an extension of the procedural dates fixed by notice issued January 29, 1974, in the above-designated matter. The motion states that Staff Counsel, and Oconto Electric Cooperative concur in the request and Wisconsin-Michigan Power Company does not object.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Evidence by Staff and interveners, April 12, 1974.
Service of rebuttal Evidence by Applicant, April 30, 1974.
Commencement of Hearing, May 20, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6528 Filed 3-20-74;8:45 am]

[Docket No. CI74-490]

BELCO PETROLEUM CORP.

Notice of Application

MARCH 14, 1974.

Take notice that on March 6, 1974, Belco Petroleum Corporation, Agent (Applicant) 630 Third Avenue, New York, New York 10017, filed in Docket No. CI74-490 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 El Paso Natural Gas Company (El Paso) from sections 4, 5, and 8, Eddy County, New Mexico, 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 September 12, 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 18 months from the end of the 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 10,000 Mcf of gas per day to El Paso at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward adjustment. Applicant states that the proposed sale was the subject of its withdrawn application filed in Docket No. CI73-893.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 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 fomral 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.74-6509 Filed 3-20-74;8:45 am]

[Docket No. E-8078]

BUCKEYE POWER, INC.

Notice of Second Supplemental Application

MARCH 14, 1974.

Take notice that on March 6, 1974, Buckeye Power, Inc. (Applicant) of Columbus, Ohio, filed a second supplemental application to its application filed March 14, 1973, seeking an order for approval of the issuance of additional short-term obligations in the form of promissory notes to commercial banks, such notes to be issued on or before March 1, 1974, with a final maturity date of not later than March 1, 1976, and further seeking approval of the issuance of additional short-term obligations in the form of promissory notes to the Louisville Bank for Cooperatives, such notes to be issued on or before March 1, 1975, with a final maturity date of not later than March 1, 1976.

The net proceeds from the notes will be used to provide general funds primarily for the construction of a new electric generating unit at the Cardinal Station near Brilliant, Ohio.

Any person desiring to be heard or to make any protest with reference to such supplemental application should, on or before April 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6510 Filed 3-20-74;8:45 am]

[Docket No. CP73-94]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 14, 1974.

Take notice that on March 6, 1974, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP73-94 a petition to amend the Commission's order issued July 2, 1973 (49 FPC ——), in the subject docket pursuant to section 7 of the Natural Gas Act, as implemented by §§ 157.7(e) and 157.7(c) of the regulations under the act, by substituting $450,000 as the total cost limitation in lieu of the previously authorized total cost limitation of $300,000 for facilities for gas sales and miscellaneous rearrangements, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued July 2, 1973, in the instant docket Petitioner was granted, among other things, permission and approval to abandon, during the calendar year 1973, certain service and direct sales measuring, regulating, and related facilities, and a certificate of public convenience and necessity was issued authorizing Petitioner to construct during said

[1] The Cities of Clintonville, New London, Oconto Falls, and Shawano, Wisconsin and the Town of Florence, Wisconsin.

period, and operate certain facilities for the direct sales of natural gas and for miscellaneous rearrangements. The total expenditures for facilities to be constructed was limited to $300,000.

Petitioner states that by reason of unusually large construction costs attributable to certain rearrangement projects the total construction costs for all gas sales and transportation facilities constructed or rearranged during 1973 under "budget-type" authority exceeded the $300,000 limitation. Accordingly, Petitioner seeks a waiver of § 157.7(c)(3)(i) of the Commission's regulations under the Natural Gas Act to increase the cost limitation in the existing certificate to cover the actual costs of these facilities from $300,000 to $450,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 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.74-6511 Filed 3-20-74;8:45 am]

[Docket Nos. RP73-86, RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 14, 1974.

On March 11, 1974, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to further modify the procedural dates in the above-designated matter. The motion states all parties attending the settlement conferences and staff counsel have agreed to the revised procedural schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Intervener Service Date, June 11, 1974.
Columbia Rebuttal Date, June 25, 1974.
Hearing, July 9, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6512 Filed 3-20-74;8:45 am]

[Docket Nos. CP73-135, CP74-227]

DISTRIGAS CORP.

Notice of Petition and Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110 filed in Docket No. CP73-135 a petition to be substituted as party applicant therein in lieu of Distrigas Corporation (Distrigas), and Distrigas, 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP74-227 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a sale of imported liquefied natural gas (LNG) to its affiliate, DOMAC, in order to provide DOMAC sufficient capability to perform the sales of LNG proposed in Docket No. CP73-135, all as more fully set forth in the petition in Docket No. CP73-135 and the application in Docket No. CP74-227, which are on file with the Commission and open to public inspection.

In the application for which a request for certificate authorization is now pending in Docket No. CP73-135, Distrigas proposes to sell imported LNG at its Everett, Massachusetts, terminal to The Brooklyn Union Gas Company (Brooklyn Union), The Connecticut Gas Company, Providence Gas Company, New Jersey Natural Gas Company, South Jersey Gas Company, and Valley Gas Company. DOMAC requests that it be submitted as the party applicant therein, pursuant to an agreement dated October 25, 1973, in which it was assigned all of Distrigas' LNG sales contracts with the distribution companies involved in Docket No. CP73-135. DOMAC states that certain sales of LNG have already been made to these distributors upon the advice of counsel that such sales were within the contemplation of § 157.22 of the Commission's regulations (18 CFR 157.22). In view of the Commission's action taken in Docket No. CP74-212, Distrigas Corporation, et al., on February 22, 1974 (51 FPC ——), where § 157.22 was declared unavailable to emergency sales of LNG and which required DOMAC or Distrigas to file for authorization to make a certain sale of LNG to Brooklyn Union, DOMAC requests temporary authorization, nunc pro tunc, under protest, to make that sale of gas to Brooklyn Union[1] and to make other sales of natural gas which have heretofore commenced upon the belief that such sales were within § 157.22 of the Commission's regulations.[2] DOMAC further requests temporary authorization to make prospectively all the sales contemplated in Docket No. CP73-135 and asks the Commission to grant temporary authorization to Distrigas to make the emergency sales commenced prior to October 1, 1973, which it commenced under the belief that such sales were within § 157.22. DOMAC indicates that it is authorized to do business in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

[1] DOMAC indicates this sale began on January 8, 1974.

[2] DOMAC states that the following LNG service was sold to the customers as indicated:

Customer and Type of Service	Volume in Million Btu		
	1972	1973	To 2/22/74
Providence Gas Co.:			
Unstored peak shaving LNG service			
Stored peak shaving LNG service	160657	67195	128961
Designated delivery—winter		166742	
South Jersey Gas Co.:			
Unstored peak shaving LNG service		13415	38129
Connecticut Gas Co.:			
Unstored peak shaving LNG service	170879	32941	
Brooklyn Union Gas Co.:			
Designated delivery—winter			584795
New Jersey Natural Gas Co.:			
Unstored peak shaving LNG service			
Valley Gas Co.:			
Stored peak shaving LNG service			8414

In Docket No. CP74-277, Distrigas proposes to sell to DOMAC under a long term requirements agreement dated October 11, 1973, a portion of the LNG, which it is authorized to import from Algeria in Docket No. CP70-196 by Commission Opinion No. 613, Distrigas Corporation, Docket No. CP70-196, et al., issued March 9, 1972 (47 FPC 752), rehearing denied, Commission Opinion No. 613-A, issued June 7, 1972 (47 FPC 1465), in order to provide DOMAC with sufficient quantities of LNG to satisfy DOMAC's full LNG requirements for resale to third parties. Distrigas proposes to sell this LNG at its C.I.F. price provided in its supply contract with Alocean. Distrigas indicates that DOMAC will store this LNG at its Everett, Massachusetts, terminal after taking delivery. Under protest Distrigas also requests temporary authorization to sell this LNG to DOMAC for redelivery in emergency sales to distribution companies for the period between October 1, 1973, and February 22, 1974, and prospective temporary authorization for such sales in order to assist Northeastern distribution companies in maintaining adequate gas service to their customers.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before April 8, 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 the application in Docket No. CP74-227

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. Persons who have heretofore filed protests and petitions to intervene in Docket No. CP73-135 need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6513 Filed 3-20-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On March 8, 1974, Staff Counsel requested a further extension of the procedural dates fixed by notice issued January 11, 1974, in the above-designated matter. The request states that it is agreeable to staff and all parties to resume the informal conference on March 21, 1974, and to request a postponement of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of testimony by Interveners, March 29, 1974.
Service of Rebuttal by Applicant, April 12, 1974.
Prehearing Conference and Hearing, May 1, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6514 Filed 3-20-74;8:45 am]

[Docket Nos. RP71-107 (Phase II), RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Refund

MARCH 14, 1974.

Take notice that on March 1, 1974, Northern Natural Gas Company (Northern) tendered for filing a report of refunds to its jurisdictional customers for the period November 14, 1971 through December 26, 1973. Such refunds are made in accordance with the Revised Stipulation and Agreement and "Order Approving Rate Settlement With Conditions and Setting Procedural Dates for Reserved Issues" dated January 4, 1974, in the above mentioned dockets.

Northern calculated the interest for such refund at 7 percent per annum. In Docket No. RP71-107, for the period November 14, 1971 through December 2, 1972, Northern states the refund to be as follows:

Principal Amount of Refund: $12,320,443.83
Interest Amount: $1,431,797.25
Total Refund: $13,752,241.08

In Docket No. RP72-127, for the period December 3, 1972 through December 26, 1973, Northern states the refund to be as follows:

Principal Amount of Refund: $23,661,664.70
Interest Amount: $1,006,882.72
Total Refund: $24,668,547.42

Northern further states that the future settlement rates became effective December 27, 1973, at which time Northern began billing at such rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 29, 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.74-6515 Filed 3-20-74;8:45 am]

[Docket No. CP74-226]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1974.

Take notice that on March 4, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Natural Gas Pipeline Company of America (Natural) and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 4,000 Mcf of gas per day with Natural in Pecos and Winkler Counties, Texas, pursuant to an agreement between them dated December 21, 1973. Under the terms of this agreement Applicant will accept delivery of exchange volumes from Natural at a proposed delivery point in Pecos County and will deliver thermally equivalent volumes to Natural at an existing point of interconnection in Winkler County. In this regard, Applicant proposes to construct and operate receiver side value facilities on its gathering system in Pecos County to allow for the receipt of the subject exchange gas volumes from Natural. The estimated cost of these facilities is $2,050 and will be met from cash on hand.

Applicant states that the proposed exchange arrangement will enable Natural to attach natural gas reserves available to it from the Bill DeWitt No. 1 well located distant from Natural's system in Pecos County. The application states that since the well is situated in proximity to Applicant's existing Gomez gathering system, attachment of such reserves and the initiation of the proposed exchange arrangement will be obviate the need of constructing facilities otherwise required.

Applicant states that no monetary compensation is provided for in the subject gas exchange agreement as the proposed transaction is a gas-for-gas exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 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.74-6516 Filed 3-20-74;8:45 am]

[Docket No. CP74-223]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1974.

Take notice that on March 1, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-223 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of

the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing August 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from cash on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 and permission and approval for the proposed abandonment are 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.74-6518 Filed 3-20-74;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Request for Rehearing, Reconsideration, and Amending of Previous Order; Corrections

MARCH 11, 1974.

In the order granting in part a request for rehearing and reconsideration and amending previous order, issued February 21, 1974 and published in the FEDERAL REGISTER March 1, 1974, 39 FR 7992,

Page 7993, Finding Paragraph (1), line 4, please change "53" to "54".

Page 7993, immediately following Ordering Paragraph (E) add new Ordering Paragraph (F):

"(F) Upon consideration the procedural dates established by the Commission order of January 18, 1974, are hereby cancelled."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6517 Filed 3-20-74;8:45 am]

[Docket No. CI73-617]

PIONEER PRODUCTION CORP.

Notice of Petition for Special Relief

MARCH 14, 1974.

Take notice that on March 6, 1974, Pioneer Production Corporation (Petitioner), P.O. Box 2542, Amarillo, Texas 79105, filed a petition for special relief. Petitioner seeks 5¢ per Mcf for compression, in addition to the 21.5¢ per Mcf authorized in the temporary certificate issued to it on August 30, 1973, in Docket No. CI73-617 for sales to Northern Natural Gas Company from Hemphill County, Texas under its FPC Gas Rate Schedule No. 43.

Petitioner requests that the Commission modify its August 30, 1973, order to allow it to collect from Northern either (a) the 5¢ provided in the contract for compression, or (b) the amount actually incurred for compression charges. Petitioner further states that it cannot economically continue to absorb such compression costs and still continue service.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6519 Filed 3-20-74;8:45 am]

[Docket No. RP74-72]

NORTHWEST PIPELINE CORP.

Notice of Tariff Filing

MARCH 19, 1974.

Take notice that on March 1, 1974, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, tendered for filing, pursuant to section 4 of the Natural Gas Act and Part 154 of the Commission's regulations thereunder, in Docket No. RP74-72, two copies of its Second Alternate Substitute First Revised Sheet No. 52 and Alternate Original Sheet No. 52A as proposed changes in its FPC Gas Tariff, First Revised Volume No. 3. These tendered tariff sheets provide for a deferred method of eliminating Northwest's obligation under section 6 of its rate schedule PL-1 and ODL-1 to make a demand charge credit when it fails to deliver contract volumes due to shortfalls in gas supply. Pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act, Northwest requests waiver of § 154.22 of such regulations so as to permit it to make these tariff sheets effective on February 1, 1974. In order to incorporate provisions in its existing tariff which would eliminate Northwest's obligation to make demand charge credits, Northwest also requests that it be allowed to withdraw First Revised Sheet No. 52, which was suspended by the Commission in its order of January 18, 1974, in Northwest Pipeline Corporation, Docket No. RP74-49, and replace this sheet with the above referenced tendered filings.

In support of its filing, Northwest states that it will suffer an estimated $300,000 revenue loss for the months of February and March, 1974, if it is not granted relief from the demand charge credit obligation. Northwest further states that the revenue loss will begin on February 1, 1974, the effective date of Northwest's commencement of operations, and will continue as long as there is curtailment of firm gas sales. Northwest proposes that it be allowed to recover demand charge credits through a deferral and tracking procedure similar to that provided by the purchased gas adjustment clause in the existing tariff. Under this proposal, Northwest states that demand charge credits provided for in the present tariff would be deferred and later recovered through a tracking procedure. Northwest states that the rate change resulting from recovery of the demand charge credits would become effective on the same date as the purchased gas adjustment clause changes of April 1 and October 1.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said filing should on or before March 27, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington,

D.C. 20426, a petition to intervene or a protest in accordance with 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 a participant as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6701 Filed 3-20-74;8:45 am]

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on April 19–20, 1974 at the Royal Inn of Point Loma, 4875 North Harbor Drive, San Diego, California.

The Commission will meet from 10 a.m. to 11 a.m. on April 19 to discuss the status of Commission activities including matters relating to staffing, budget proposals, interagency liaison, and research. This session of the meeting will be open to the public. Seating will be available to accommodate up to twenty observers.

The Committee will meet from 11 a.m. to 5 p.m. on April 19 to discuss the status of Committee efforts, including matters relating to progress of the Committee, procedure for review of permit applications and research proposals, interagency coordination, progress of subcommittees, review of permit applications, and consideration of the incidental take of marine mammals in the course of commercial fishing operations. Members of the Commission and staff will be present. This session of the meeting will be open to the public. Seating will be available to accommodate up to twenty observers.

The remaining sessions of the meeting will consist of a meeting of the Commission from 9 a.m. to 10 a.m. on April 19, a meeting of the Committee from 8:30 a.m. to 11 a.m. on April 19, and a consultative meeting of the Commission and Committee from 9 a.m. to 5 p.m. on April 20. These sessions will be devoted to the exchange of opinions and deliberations concerning policy and to the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions involve matters which are within the exemptions of 5 USC 552(b) (2), (4), (5), and (6) and will therefore not be open to the public.

For further information concerning these meetings, contact the Marine Mammal Commission, 1625 Eye Street, NW., Washington, D.C. 20006 (202/382-4475).

Dated: March 18, 1974.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

[FR Doc.74-6575 Filed 3-20-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-18]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICS

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautics will meet on April 17–19, 1974, at the NASA Ames Research Center, Moffet Field, California 94035. The meeting will be held in Conference Room 217 of Building 200. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council Committee on Aeronautics serves in an advisory capacity only. The current Chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda and schedule for the April 17–19, 1974, meeting of the Aeronautics Committee. For further information, please contact Mr. J. Lloyd Jones, Area Code 202, 755-2403.

April 17, 1974

Time	*Topic*
9:00 a.m.	Report of the chairman (purpose: To summarize action taken at the November 1973 meeting of the Research and Technology Advisory Council).
9:30 a.m.	Report of the executive secretary (purpose: To brief the committee on recent or proposed changes in NASA policy and organization and in pertinent aeronautics programs).
10:15 a.m.	Discussion of propulsion/airframe integration research program (purpose: To obtain committee comments on proposed restructuring of the NASA propulsion/airframe integration research program, based on recommendations made by an industry/military service team, following its review of propulsion/airframe integration research needs and of originally proposed NASA programs).
1:00 p.m.	Tour of Ames Hangar and description of programs pertinent to committee areas of interest (including the C-8 augmentor wing short-takeoff-and-landing (STOL) and X-14 vertical-takeoff-and-landing (VTOL) research aircraft).
2:00 p.m.	Discussion of Center written reports (purpose: To answer members' questions regarding items included in the previously distributed brief written reports on pertinent aeronautical research areas prepared by the Ames, Flight, and Langley Research Centers).
3:15 p.m.	Committee comments on report of ad hoc panel on Aerospace Vehicle Dynamics and Control (purpose: To obtain committee comments on the final report of the ad hoc panel which was distributed in December 1973).
3:45 p.m.	Fuel-conservative aircraft studies (purpose: To update for the committee the status of NASA-supported studies of advanced aircraft designed with reduced fuel utilization as a major objective).

April 18, 1974

9:00 a.m.	Wake vortex program status (purpose: To inform the committee of recent results of NASA studies aimed at the alleviation of wake-vortex interference effects).
10:15 a.m.	Status of and coordination between NASA highly maneuverable aircraft technology (HiMAT) and Air Force advanced fighter technology intergration (AFTI) programs (purpose: To respond to a previous committee request to be informed on coordination efforts).
10:45 a.m.	Discussion of written reports of individual members (purpose: To provide elaboration on items included the brief written reports previously prepared by individual members of the Committee).
12:45 p.m.	Tour of Ames Research Center ground-based simulators and description of programs in committee's areas of interest.
1:45 p.m.	Continuation of discussion of written reports of individual members.
2:45 p.m.	Separate panel sessions on basic technology, conventional-takeoff-and-landing (CTOL) aircraft, and vertical short-takeoff-and-landing (V/STOL) aircraft (purpose: To develop possible recommendations pertaining to the focus and scope of the technical programs reviewed earlier and to the importance of the results).

April 19, 1974

9:00 a.m.	Committee review of panel reports (purpose: To develop final committee recommendations based on inputs from the basic technology,

Time	Topic
	CTOL aircraft, and V/STOL aircraft panels).
11:30 a.m....	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 15, 1974.

[FR Doc.74-6547 Filed 3-20-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE PUBLIC PROGRAMS PANEL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on March 28 and 29, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-6582 Filed 3-20-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS

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 18, 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 frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: BCD Subscriber Survey, Form BE 785, Single time, Collins, Business Conditions Digest Subscribers.

DEPARTMENT OF DEFENSE

Department of the Army: Survey of Industrialized Building Industry, Form CERL 79 A, B, C, D, E, F, G, N, O, P, Q, R, Occasional, Sunderhauf, All Known manufacturers of industrialized building.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City; Supplemental Information from Fuel Oil Suppliers, Form BLS 3044, Single time, Raynsford/Weiner, Fuel Oil dealers supplying rent stabilized apts. in NYC.

NATIONAL SCIENCE FOUNDATION

Personal Data Form: Energy Related Graduate Trainee and Minority Institution Graduate Trainee, Form NSF 866, Annual, Sheftel, Graduate students.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF STATE

Application for Immigrant Visa and Alien Registration, Form FS 510, Daily, Evinger, Immigrant Visa applicants.

DEPARTMENT OF THE TREASURY

U.S. Customs Service, Protest, Form CF 19, Occasional Evinger (x).
Application for further review of protest, Form CF 20, Occasional Evinger (x).
Vessel/Aircraft Foreign Repair or Equipment Purchase Entry, Form CF 7535, Occasional Evinger (x).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-6670 Filed 3-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1587]

ANCHOR CAPITAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Anchor Capital Fund, Inc. ("Applicant"), Westminster at Parker, Elizabeth, New Jersey 07207, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Maryland corporation on Januray 16, 1968, and registered under the Act by filing a Form N-8A Notification of Registration on January 22, 1968.

Applicant represents that pursuant to an Agreement and Plan of Merger and related Articles of Merger adopted by its shareholders on Novemebr 30, 1973, Applicant was merged on December 31, 1973 into Anchor Spectrum Fund, Inc. ("Spectrum"), also a Maryland corporation registered as an investment company under the Act. Upon effectiveness of the merger, the capital stock of Applicant was converted into capital stock of Spectrum in the ratio of .9225 shares of Spectrum for each share of Applicant based on respective net asset values of shares of the two companies at the close of business on December 31, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6493 Filed 3-20-74;8:45 am]

[811-1972]

ANCHOR VENTURE FUND, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Anchor Venture Fund, Inc. ("Applicant"), Westminister at Parker, Elizabeth, New Jersey 07207, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the applicant on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 22, 1969, and registered under the Act by filing a Form N-8A Notification of Registration on November 24, 1969.

Applicant represents that pursuant to an Agreement and Plan of Merger and Articles of Merger adopted by its shareholders on November 30, 1973, Applicant was merged on December 31, 1973 into Anchor Spectrum Fund, Inc. ("Spectrum"), a Maryland corporation registered as an investment company under the Act. Upon effectiveness of the merger, the capital stock of Applicant was converted into capital stock of Spectrum in the ratio of 1.9200 shares of Spectrum for each share of Applicant based on respective net asset values of shares of the two companies at the close of business on December 31, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any intrested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6494 Filed 3-20-74;8:45 am]

[File No. 500-1]

ELECTROSPACE CORP.

Notice of Suspension of Trading

MARCH 12, 1974.

The common stock and Conv. Sub. Deb. 5½ percent due October 1983 of Electrospace Corporation being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all securities of Electrospace Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 4:30 p.m., e.d.t., March 12, 1974, through March 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6495 Filed 3-20-74;8:45 am]

[File No. 500-1]

GEON INDUSTRIES, INC.

Notice of Suspension of Trading

MARCH 8, 1974.

The common stock of Geon Industries, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Geon Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 11, 1974 through March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6496 Filed 3-20-74;8:45 am]

[812-3426]

OCCIDENTAL'S SEPARATE ACCOUNT FUND B, ET AL.

Notice of Application for Order Exempting Applicants

Notice is hereby given that Occidental Life Insurance Company of California ("Occidental"), 1150 South Olive Street, Los Angeles, California, Occidental's Separate Account Fund B ("Fund B") and Occidental's Separate Account Fund C ("Fund C") (collectively "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Occidental, a California corporation and a stock life insurance company, is a wholly-owned subsidiary of Transamerica Insurance Corporation of California, which is in turn a wholly-owned subsidiary of Transamerica Corporation. Fund B and Fund C were formed as separate accounts of Occidental on June 26, 1968 and February 25, 1969, respectively. Fund B and Fund C are diversified open-end investment companies registered under the Act.

Variable annuity contracts offered for sale by Occidental and funded in Fund B or Fund C may be either Annual Deposit Individual Equity Investment Fund Contracts providing for a deferred variable annuity, Single Deposit Individual Equity Investment Contracts providing for a deferred variable annuity or Single Deposit Individual Equity Investment Contracts providing for an immediate variable annuity (all hereinafter referred to as "contracts"). Under the contracts, Occidental makes deductions for sales and administrative expenses from payments made by purchasers. The maximum deduction for sales expenses is 6½ percent. The assets of the Funds are held for the benefit of individuals entitled to benefits under the contracts. In accordance with California law, the assets of the Funds are held in the name of Occidental, and Occidental is not a trustee with respect thereto.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof may sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d) to enable Occidental to permit holders of Fund B and Fund C Annual Deposit Individual Equity In-

vestment Contracts providing for deferred variable annuities and Single Deposit Individual Equity Investment Contracts providing for deferred variable annuities ("deferred contracts") to withdraw funds deposited under the deferred contracts and to reinvest such funds, without any additional sales charges, within a period of five years from the date of any such withdrawal. Exercise of this privilege will be limited to once a year.

Applicants assert it would be inequitable and inappropriate to impose a second sales charge upon reinvestment in deferred contracts because under normal circumstances no significant sales effort would precede exercise of the privilege. In addition, sales personnel will receive no compensation in connection with the exercise of the withdrawal and reinvestment privilege.

Applicants further state that the grant of the requested exemption will not disrupt the orderly distribution of redeemable securities since the channels conventionally used in the distribution of such securities are not generally utilized for the distribution of the deferred contracts.

Applicants also submit that granting the exemption would allow greater flexibility to the individual whose investment goal is retirement income. The privilege would afford such an investor an opportunity to withdraw the money accumulated under his contract temporarily in order to meet a current financial need and to be reinstated in the retirement plan at a later date. The investor would not be forced to forfeit or reduce the amount invested in his contract because of an inability to pay a new sales load.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicants at the address set forth above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in such matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6497 Filed 3–20–74;8:45 am]

[812–2343]

STRUTHERS CAPITAL CORP.

Notice of Filing of Application for Amended Order Exempting Company From All Provisions

Notice is hereby given that Struthers Capital Corporation ("Applicant"), 630 Fifth Avenue, New York, N.Y. 10020, a New York Corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an amended order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, all of the capital stock of which consists of 1,000 shares of common stock having a par value of $1.00 per share, is presently owned by Struthers Wells Corporation ("Struthers"). Applicant was formed by Struthers in April 1968 and has operated as a small business investment company ("SBIC") licensed by the Small Business Administration ("SBA") under the Small Business Investment Act of 1958, as amended ("SBIA"), since August 9, 1968, when Applicant acquired all of the business and assets of Developers Small Business Investment Corporation, a New Jersey corporation licensed under the SBIA. Applicant has previously received from the Commission an order pursuant to section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 5461, August 9, 1968) (the "Order"). Applicant has also previously received from the Commission an Amended Order pursuant to section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 8016, September 27, 1973) (the "Amended Order").

The Amended Order permitted a change of control of Applicant from Struthers to Prudential Funds, Inc., a Delaware corporation ("Prudential") pursuant to a Stock Purchase Agreement, dated July 26, 1973 (the "Agreement"), between Struthers and Prudential relating to the sale by Struthers and the purchase by Prudential of all of the authorized, issued and outstanding shares of Applicant's common stock and permitted Applicant to continue its activities as a wholly owned subsidiary of Prudential. The transaction contemplated by the Agreement was not consummated and on November 1, 1973, Struthers and Prudential each released the other from any further liability or obligation with respect to the transaction.

Inasmuch as the transaction pursuant to the Agreement between Struthers and Prudential relating to the sale by Struthers to Prudential of all of the authorized, issued and outstanding shares of Applicant's common Stock was not consummated and was terminated as aforesaid, Applicant does not require the Amended Order and requests rescission of the Amended Order and the reinstatement of the Order to permit Applicant to continue its activities as an SBIC licensed by the SBA under the SBIA as a wholly owned subsidiary of Struthers.

Applicant asserts that the business of Struthers has not changed materially from the description thereof contained in the Application originally filed with the Commission resulting in the Order. Struthers continues directly and through its subsidiaries to be primarily engaged in the field of engineering and processing of power equipment. The reasons specified originally by the Applicant, in support of the granting of the Order, have also not changed materially. Applicant has agreed that if the Commission reinstates the Order, Applicant will continue to be subject to the conditions contained in the Order providing, in summary, that Applicant shall not issue to any person other than Struthers or the SBA any security of Applicant (other than short-term paper) unless permitted by the Commission; and also providing for the periodic filing by Applicant with the Commission of certain financial and other information concerning Applicant and Struthers.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 9, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicant at the address set forth above. Proof of such

service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6498 Filed 3–20–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC. OPTION PLAN FILED

Proposed Elimination of Multimember Market-Maker Units

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The major impact of the changes is on CBOE's Rules 8.3, 8.6 and 8.7. The Exchange proposes the elimination of multimember Market-Maker units, meaning that all Market-Maker appointments would be made to individuals. Two types of Market-Maker appointments would be created. Principal and Supplemental. A full-time Market-Maker would ordinarily have both Principal and Supplemental Appointments, and would be required to have at least 50 percent of his transactions in his Principal Appointment classes of option contracts. Those persons unable to undertake full-time Market-Maker responsibilities would be awarded only Supplemental Appointments. All Market-Makers would be required to have at least 75 percent of their transactions in their appointed classes; the remaining transactions would continue to be subject to the market-making obligations established by sections (a) and (d) of Rule 8.7. Technical changes are also proposed for CBOE's Rules 6.51, 6.53, 6.73, 7.5, 7.7, 7.8 and 8.8, or the Interpretations and Policies thereunder.

The proposed amendments will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132–37784. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 8, 1974.

[FR Doc.74–6491 Filed 3–20–74;8:45 am]

[License No. 01/01–0275]

NORTHEAST SMALL BUSINESS INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (38 FR 30836, November 7, 1973), by Northeast Small Business Investment Corporation, 16 Cumberland Street, Boston, Massachusetts 02115, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and stockholders are:

Sidney Mindick, 274 Dean Road, Brookline, Massachusetts, President and Director, 15.34 percent.

Martin Stauber, 66 Nottinghill Road, Brighton, Massachusetts, Vice President and Director, 16.77 percent.

Israel Mindick, 59 Beaconsfield Road, Brookline, Massachusetts, Vice President and Director, 14.23 percent.

Joseph Mindick, 19 Orinwhite Drive, Randolph, Massachusetts, Treasurer and Director, 12.52 percent.

George W. Cashman, One Boston Place, Boston, Massachusetts, Clerk, 0.

Morris Isserof, 16 Cumberland Street, Boston, Massachusetts, Assistant Clerk, Director and General Manager, 28.57 percent.

Cumberland Finance, 16 Cumberland Street, Boston, Massachusetts, 28.57 percent.

Cumberland Finance is a general partnership by and between ten business realty corporations who in turn are controlled by Oizer Realty Corporation. With the exception of Mr. Cashman, the above mentioned individuals each own 20 percent of Oizer Realty Corporation.

The applicant will begin operations with a capitalization of $350,000 and will be a source of equity capital and long-term loans for qualified small business concerns with particular attention to growth potentials in any eligible type of industry. In addition to financial assistance, the applicant will provide management consulting services to its clients.

The applicant will conduct its operations principally in the Commonwealth of Massachusetts and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than April 5, 1974, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: March 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–6488 Filed 3–20–74;8:45 am]

[License No. 09/09–5167]

CHINESE INVESTMENT CORP. OF CALIFORNIA

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 15, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1898) stating that Chinese Investment Corporation of California, located at 1017 Wilshire Boulevard, Los Angeles, California 90017, had filed an application with the Small Business Administration, pursuant to § 107.102 (38 FR 30836, November 7, 1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended.

The period for comment ended January 30, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 09/09–5167 to Chinese Investment Corporation of California.

Dated: March 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–6529 Filed 3–20–74;8:45 am]

TARIFF COMMISSION

[TEA–F–62]

HERR MANUFACTURING CO., INC.

Investigation of Petition

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Herr Manufacturing Co., Inc., Tonawanda, New York, the United States Tariff Commission, on March 15, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with spinning and twisting ring travelers, spinning and

twisting rings, flyers, flyer wires and traveler inserts (of the types provided for in items 670.68 and 670.74 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

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 April 1, 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 18, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc. 74-6587 Filed 3-20-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 1; Notice 74-8]

ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR

Proposed Interim Discontinuance of Passenger Service

Notice is hereby given that the Erie Lackawanna Railway Company, Debtor ("E-L"), requests authorization by the United States Railway Association ("USRA") under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236, to discontinue operation of commuter trains Nos. 28 and 29 between Cleveland and Youngstown, Ohio.

Section 304(a) of the Act specifies conditions and procedures necessary to discontinue rail service subsequent to promulgation of the final system plan as specified in section 207 of the Act. Discontinuance during the interim between the effective date of the Act and adoption of the final plan is permitted subject to the conditions and procedures set forth in section 304(f), which provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service . . . other than in accordance with [section 304 (a) and (c)], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority.

Commuter train No. 29 operates from Youngstown to Cleveland, a distance of 66.2 miles, weekday (except holidays) mornings, leaving Youngstown at 5:50 a.m., serving Niles, Warren, Garrettsville-Hiram, Jeddoe, Mantua, Aurora, Geauga Lake, Solon, and North Randall, and arriving at Cleveland at 7:40 a.m. Commuter train No. 28 operates in the opposite direction weekday (except holidays) evenings, leaving Cleveland at 5:20 p.m., and arriving at Youngstown at 7:10 p.m.

The E-L asserts that there are only 103 daily revenue commuters traveling between Mantua and Cleveland (a distance of 29.7 miles), and intermediate points, and only three daily revenue commuters traveling between Cleveland and points between Youngstown and Mantua (a distance of 36.5 miles), including Youngstown. A motor bus operator (Garfield Heights Coach Lines, Inc.) is willing to operate similar commuter service between Aurora and Cleveland (a distance of 23.4 miles), thus assertedly serving the needs of virtually all of the present revenue rail passengers. The bus operator has requested the Ohio Public Utilities Commission to authorize this service.

The E-L asserts the commuter trains use 550 gallons of diesel fuel daily, as opposed to only 24 gallons of diesel fuel which would be required by the bus operator. The E-L out-of-pocket losses with respect to these two commuter trains amount to more than $600 per day of operation.

To assist the Association in its analysis and disposition of the interim discontinuance request, opportunity is being given to the general public, as well as to any affected State, local or regional transportation authority, to submit written statements, views and arguments either favoring or opposing the discontinuance proposal.

In addition to general comments submitted, any affected State, local or regional transportation authority which "reasonably opposes" the proposed discontinuance may present written statements in support of such opposition. Any such statement must include a description of the jurisdiction of the authority, the manner in which the area over which it has jurisdiction is affected by the proposed discontinuance, the relationship of the involved commuter trains to the area transportation system, and the manner and amount, if any, in which the authority proposes to subsidize the E-L for losses to be incurred in continued operation of the trains.

An original and four copies of any statements, views, arguments or comments must be submitted to Docket Clerk, United States Railway Association, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, by April 26, 1974, to enable timely consideration by the Association.

In additon to the notice given herein, the Erie Lackawanna Railway Company, Debtor, shall, by March 27, 1974, cause to be posted in each passenger car operated in commuter trains Nos. 28 and 29, and in each station served by these trains, a notice of the proposed discontinuance, and the manner and time in which the public may present written statements, views or arguments to the Association.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, P.L. 93-236.

Copies of this notice have been sent to the Ohio Public Utilities Commission and the governing body of each municipality served by the commuter trains, and to newspapers, and radio and television broadcasting stations serving the involved area.

Dated at Washington, D.C., this 19th day of March 1974.

W. LAWRENCE HOLLAR,
Assistant Secretary,
United States Railway Association.

[FR Doc.74-6728 Filed 3-20-74;9:17 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-14]

CUDAHY TANNING COMPANY, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Cudahy Tanning Company, Inc., 5043 S. Packard Avenue, Cudahy, Wisconsin 53110 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.37(i) concerning headroom in means of egress.

The address of the place of employment that will be affected by the application is as follows:

Cudahy Tanning Company, Inc.
5043 S. Packard Avenue
Cudahy, Wisconsin 53110

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by the standard which requires a clearance of 6'8" be maintained for projections in a means of egress.

The applicant states that it has two 5'6" doorways leading to the lunch-locker room and the third floor of its building. The doorways cannot be enlarged as the top and bottom of the doorways are concrete purlins reinforced with steel rods within a load-bearing wall.

Instead, the applicant states that it is padding the top purlin on both sides and the bottom with ½" to ¾" foam rubber which will be painted yellow. Signs reading "Danger, Low Clearance, Watch Your Head" will be posted on either side of the top purlins. In addition, employees

will be warned of the low clearance and advised that caution should be used.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Cudahy Tannin Corporation be, and is hereby authorized to continue to use its building with 5'6'' doorways provided that the top purlin is padded with ½'' to ¾'' foam which has been painted yellow: *And provided,* That appropriate warning signs are posted as described in the application.

Cudahy Tannin Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of March 21, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 15th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6531 Filed 3-20-74;8:45 am]

[V-74-13]

McCORMICK DISTILLING CO.

Notice of Application for Variance

Notice of Application. Notice is hereby given that McCormick Distilling Company, P.O. Box 38, Weston, Missouri 64098 has made application pursuant to section 6(d) of the Williams Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.36 (b)(3) concerning exits from buildings.

The address of the place of employment that will be affected by the application is as follows:

McCormick Distilling Company
F-M Highway JJ
Weston, Missouri 64098

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.36(b)(3). This standard requires that buildings be provided with exits of the kinds, numbers, location and capacity appropriate to the individual building with regard to the character of occupancy, the number of persons exposed, the fire protection available, and the height and construction of the buildings, to afford all occupants convenient facilities for escape.

The applicant states that it has three Internal Revenue bonded warehouses which are used for aging distilled spirits. The warehouses have from 3 to 7 levels, with open floors between levels. The buildings are occupied sporadically while certain work procedures are being performed, and by a maximum of two employees: For 30 minutes each morning and 30 minutes each evening, one man opens and closes all windows; for about 2 hours twice a week barrels are removed from one of the warehouses for dumping and bottling; filled barrels are brought in for aging during the months of October through March. At all other times the building is unoccupied. In addition, a government lock is affixed each work day at 4:30 pm and removed at 8:00 am by the assigned agent.

The applicant further states that there is little wiring in the warehouses, housekeeping is excellent with no debris or foreign material, the surroundings are maintained critically to prevent brush or grass fires, lightning rods are attached to all warehouses, and fire extinguishers are located in each warehouse.

The applicant contends that since there are never more than 2 employees in the warehouses at one time, and since these employees can descend from one level to the next anywhere along either side of the warehouse as well as by the stairs or elevators, the present exit arrangement is as safe as that required by the standard.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street, Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 15th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6532 Filed 3-20-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 468]

ASSIGNMENT OF HEARINGS

MARCH 15, 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 March 20, 1974.

MC 138176, Cascade Mobile Home Transport, Inc., now being assigned hearing June 10, 1974 (1 week), at Salem, Oregon, in a hearing room to be later designated.

MC-134922 Sub 27, B. J. McAdams, Inc., Extension—Helen, Arkansas, now assigned April 1, 1974, at Little Rock, Ark., is cancelled and the application is dismissed.

MC 32779 Sub 9, Silver Eagle Company, now being assigned hearing June 17, 1974 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC-92633 Sub 24, Zirbel Transport, Inc., now being assigned hearing June 3, 1974 (1 week), at Boise, Idaho, in a hearing room to be later designated.

MC-C-8247, Eagle Trucking Company—Investigation and Revocation of Certificates, now being assigned May 13, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 102567 Sub-165, Earl Gibbon Transport, Inc., now being assigned May 15, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 133095 Sub-48, Texas Continental Express, Inc., now being assigned May 16, 1974, at Dallas, Texas, in a hearing room to be later designated.

FF-C-52, Darrell J. Sekin & Company, Inc., and Regional International Services, Inc.—Investigation of Operations, now being assigned May 20, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 118341 Sub-2, Valley Trucking Co., Inc., now being assigned continued hearing May 22, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC-C-6228, Gaines Motor Lines, Inc.—Investigation and Revocation of Certificate, is continued to June 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-107515 (Sub-855), Refrigerated Transport Co., Inc., is continued to April 16, 1974 (2 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8190, International Shoe Company-V-Spector Freight System, Inc., now being assigned hearing May 16, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-11899, Georgia Highway Express, Inc.—Purchase—Goode Transfer, Inc., now being assigned continued hearing May 13, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 118431 Sub 7, Denver Southwest Express, Inc.—Extension Chicago, Ill., now being assigned hearing May 23, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6457 Filed 3-20-74;8:45 am]

[Notice 469]

ASSIGNMENT OF HEARINGS

MARCH 18, 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 March 21, 1974.

MC-F-11874, Matlack, Inc.—Control—CF Tank Lines, Inc., is continued to April 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120981 Sub 16, Bestway Express, Inc., continued to May 6, 1974 (1 week), at the Sun-N-Sand Motor Hotel, 401 North Lamar Street, Jackson, Miss.

MC 138980, Robert P. Fuller, DBA Laurel Transit Lines, now assigned April 30, 1974, at Scranton, Pa., will be held in Room 441, U.S. Post Office and Courthouse, North Washington & Linden Streets.

MC 107012 Sub 170, North American Van Lines, Inc., now being assigned hearing April 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-121142 Sub-No. 11, J & G Express, Inc., is continued to May 8, 1974 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 112422 Sub-5, Sam Vam Galder, Inc., now assigned May 1, 1974, at Madison, Wis., is cancelled.

MC 114755 Sub 2, Newburgh Beacon Bus Corp., now assigned April 10, 1974, at New York, New York, cancelled and reassigned to the New York State Department of Transportation Bldg., 4 Burnett Blvd., Poughkeepsie N.Y.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6580 Filed 3-20-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 15, 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 within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42817—*Newsprint Paper from Chicago, Illinois.*

Filed by Western Trunk Line Committee, Agent (No. A-2698), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Chicago, Illinois, to specified points in Florida and North Carolina.

Grounds for relief—Water competition.

Tariff—Supplement 133 to Western Trunk Line Committee, Agent, tariff IRC I/S/74-K, I.C.C. No. 1199 (IFA Series). Rates are published to become effective on April 18, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6456 Filed 3-20-74;8:45 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 22, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 673), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, California 94106 filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follow: (1) From West Indio Junction, Calif., over Interstate Highway 10 to East Indio Interchange, Calif., with the following access route: From Indio, Calif., over access highway to junction Interstate Highway 10, and (2) From Nicholls Warm Springs, Calif., over Interstate Highway 10 to the California-Arizona State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From West Indio Junction, Calif., over unnumbered highway (formerly U.S. Highway 60) to East Indio Interchange, Calif., and (2) From Nicholls Warm Springs, Calif., over unnumbered highway (formerly U.S. Highway 60) to the California-Arizona State line, and return over the same routes.

No. MC-84728 (Deviation No. 7) (Cancels Deviation No. 5), SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. 20005, filed February 4, 1974. Carrier's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Philadelphia, Pa., over Interstate Highway 95 to junction Harbor Tunnel Thruway, thence over Harbor Tunnel Thruway to junction Baltimore-Washington Expressway, with the following access routes: (a) From junction U.S. Highway 13 and Sellers Road over Sellers Road to junction Interstate Highway 95,

(b) From Elkton, Md., over Maryland Highway 279 to junction Interstate Highway 95, (c) From Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (d) From Havre de Grace, Md., over Maryland Highway 155 to junction Interstate Highway 95, (e) From Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95, (f) From junction Maryland Highway 24 and U.S. Highway 40 over Maryland Highway 24 to junction Interstate Highway 95, and (g) From junction U.S. Highway 40 and Interstate Highway 695 over Interstate Highway 695 to junction Interstate Highway 95, and (2) From junction Harbor Tunnel Thruway and Baltimore-Washington Expressway over Harbor Tunnel Thruway to junction Interstate Highway 695, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., (2) From Baltimore, Md., over Baltimore-Washington Expressway to Washington, D.C., and (3) From junction U.S. Highway 40 and Interstate Highway 695 at or near Fullerton, Md., over Interstate Highway 695 to junction Baltimore-Washington Expressway, and return over the same routes.

No. MC–47495 (Deviation No. 2), MOUNTAIN VIEW COACH LINES, INC., W. Coxsackie, New York 12192, filed December 3, 1973. Carrier's representative: Harold P. Boss, 1100 Seventeenth Street NW., Washington, D.C. 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Albany, N.Y., via Interchange No. 23 of the New York Thruway, over the New York Thruway (Interstate Highway 87) to Interchange No. 22, thence over connecting highways and New York Highway 396 to Selkirk, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier presently has authority to transport passengers and the same property over a pertinent service route as follows: From Albany, N.Y., over New York Highway 144 to Hannacroix, N.Y., thence over U.S. Highway 9W to junction New York Highway 385, thence over New York Highway 385 to Catskill, N.Y., thence over U.S. Highway 9W to Kingston, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6458 Filed 3–20–74;8:45 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 22, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2228 (Deviation No. 4), MERCHANTS FAST MOTOR LINES, INC., P.O. Drawer 591, Abilene, Texas 79604, filed March 4, 1974. Carrier's representative: Mike Cotten, P.O. Box 1148, Austin, Texas 78767. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 35E to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 45, thence over Interstate Highway 45 to Houston, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Lufkin, Tex., thence over U.S. Highway 59 to Houston, Tex., and return over the same route.

No. MC–59488 (Deviation No. 15), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 6, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Texarkana, Ark., over U.S. Highway 59 to Linden, Tex., thence over Texas Highway 155 to Tyler, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana, Ark., over U.S. Highway 67 to Mt. Pleasant, Tex., thence over U.S. Highway 271 to Tyler, Tex., and return over the same route.

No. MC–59488 (Deviation No. 16), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Texarkana, Ark., over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Texarkana, Ark., over U.S. Highway 67 to Mt. Pleasant, Tex., thence over U.S. Highway 271 to Tyler, Tex., thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

No. MC–59488 (Deviation No. 17), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 80 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 59, thence over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 80 to junction U.S. Highway 271, thence over U.S. Highway 271 to Tyler, Tex., thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

No. MC–59583 (Deviation No. 49), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tennessee 37662, filed February 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Williamsport, Pa., over U.S. Highway 15 to Trout Run, Pa., thence over Pennsylvania Highway 14 to the Pennsylvania-New York State line, thence over New York Highway 14 to Elmira, N.Y., and (2) From Halls, Pa., over U.S. Highway 220 to Waverly, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Williamsport, Pa., over U.S. Highway 220 to Halls, Pa., thence over Pennsylvania Highway 147 (portion formerly Pennsylvania Highway 14) to Muncy, Pa., thence over Pennsylvania Highway 442 to Millville, Pa., thence over Pennsylvania Highway 42 to Bloomsburg, Pa., thence over U.S. Highway 11 via Scranton, Pa., to Binghamton, N.Y., thence over New York Highway 17C to Owego, N.Y., thence over New York Highway 17 to Elmira, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6460 Filed 3–20–74;8:45 am]

[Notice No. 21]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 15, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 29452 (Sub-No. 4) (Republication) filed June 21, 1973, and published in the FEDERAL REGISTER issue of September 27, 1973, and republished this issue. Applicant: B.O.W. EXPRESS, INC., 1251 Taney Road, North Kansas City, Mo. 64116. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. An Order of the Commission, Operating Rights Board, dated February 13, 1974, and served March 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) between Burlington, and Caney, Kans., from Burlington over U.S. Highway 75 to junction Kansas Highway 57, thence west over Kansas Highway 57 to Madison, Kans., thence south over Kansas Highway 99 to Sedan, Kans., thence east over U.S. Highway 166 to junction U.S. Highway 75, thence over U.S. Highway 75 to Caney, and return over the same route, serving all intermediate points and the off-route points of Fall River Reservoir, Toronto Reservoir, Eureka, and Moline, Kans.; (2) between Yates Center and Elk City, Kans., from Yates Center over U.S. Highway 75 to junction Kansas Highway 39, thence over Kansas Highway 39 to Elk City, and return over the same route, serving all intermediate points and the off-route points of Elk City Reservoir, New Albany, Buxton, Altoona, Longton, Sycamore, and Westphalia, Kans.; (3) between Osage City, and Burlingame, Kans., over U.S. Highway 56; (4) between Ottawa and Osage City, Kans., over Kansas Highway 268, serving all intermediate points of Pomona Reservoir and Quenemo, Kans.; and (5) between Caney, and Elk City, Kans., from Caney over U.S. Highway 75 to junction U.S. Highway 160, thence over U.S. Highway 160 to Elk City, serving no intermediate points, as an alternate route (in (5) above only) for operating convenience only in connection with applicant's authorized regular-route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that the notice published in the FEDERAL REGISTER of the filing of this application failed to indicate with respect to routes (1), (2) and (4) that service at all intermediate points is sought; that the shipper evidence of need for the proposed service establishes a need for service at certain points that are included in the application only as such intermediate points; that evidence of need for service at Havana, Kans., a point not included in the application, is also shown; that authority covering intermediate points with respect to routes (1), (2) and (4) and authorizing service at Havana as an additional off-route point in connection with route (1) should be granted. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 7832 (Sub-No. 16) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed February 20, 1974. Petitioner: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a Partnership, doing business as, SUPER M FOODS DELIVERY, 411A N. Wood Avenue, Linden, N.J. 07036. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10006. Petitioner holds a motor *contract carrier* permit in No. MC 7832 (Sub-No. 16) issued July 27, 1973, authorizing transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses (except commodities in bulk), and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between points in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Virginia, and the District of Columbia, under a continuing contract or contracts with Food Fair Stores, Inc. By the instant petition, petitioner seeks to add Castle & Cooke, Inc., as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 93944 (Sub-Nos. 8 and 9) (NOTICE OF FILING OF PETITION TO ELIMINATE A VEHICLE RESTRICTION), filed March 5, 1974. Petitioner: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Petitioner holds motor *common carrier* certificates in No. MC 93944 (Sub-Nos. 8 and 9), issued June 20, 1969 and December 5, 1972, respectively, authorizing, as pertinent, transportation, over irregular routes, of, in Sub-No. 8, *alloys, granular refractories, and ores,* in dump vehicles, (1) from Wilmington, Del., to Baltimore, Md.; Philadelphia, Pa.; and points in Montgomery County, Pa.; (2) from Chester, Pa., to points in Montgomery County, Pa.; and (3) from Philadelphia, Pa., to points in Montgomery, Chester, Lebanon, Berks, Bucks, and Philadelphia Counties, Pa.; and in Sub-No. 9, (A) *alloys and ores* (except fluorspar), in dump vehicles, between points in that part of Pennsylvania on and east of U.S. Highway 219 (except Scranton and Columbia, Pa. and its Commercial Zone as defined by the Commission, and points in Philadelphia, Montgomery, and Delaware Counties, Pa.), New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), Delaware and Maryland (except Baltimore), restricted against service between points in New Jersey; (B) *alloys and ores,* in dump vehicles, between points in that part of Pennsylvania on and east of U.S. Highway 219 (except Chester, Pa.); and (C) *chrome ore,* in dump vehicles, from the General Services Administration depot at Baltimore, Md., to the plantsite of C-E Minerals Division at or near Wilmington, Del. By the instant petition, petitioner seeks to eliminate its vehicle restriction "in dump vehicles". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 99208 (Sub-No. 10) (NOTICE OF FILING OF PETITION TO ELIMINATE SERVICE RESTRICTION) filed February 19, 1974. Petitioner: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, P.O. Box 3569, Knoxville, Tenn. 37917. Petitioner's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Petitioner holds a

motor *common carrier* certificate in No. MC 99208 (Sub-No. 10) issued August 22, 1973, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those which because of size or weight require the use of special equipment), and *automobiles, trucks and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 76, between Knoxville, Tenn., and New Orleans, La., serving no intermediate points, with service at New Orleans, La. restricted to delivery to or receipt from connecting carriers of interline traffic which originates at or is destined to points beyond New Orleans, La., and its Commercial Zone as defined by the Commission: From Knoxville over U.S. Highway 11 to New Orleans, and return over the same route. By the instant petition, petitioner seeks to eliminate the service restriction. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117644 (Sub-No. 31) (NOTICE OF FILING OF PETITION TO EXTEND COMMODITY DESCRIPTION) filed March 4, 1974. Petitioner: D & T TRUCKING CO., INC., 498 First Street, NW., P.O. Box 2611, New Brighton, Minn. 55112. Petitioner's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Petitioner holds a motor *contract carrier* permit in No. MC 117644 (Sub-No. 31) issued September 4, 1973, authorizing transportation, over irregular routes, of *dairy products* (except commodities in bulk), from the facilities utilized by Land O'Lakes, Inc. at points in Minnesota, Wisconsin, and Chicago, Ill., to points in Pennsylvania, New York, New Jersey, Rhode Island, Vermont, Maine, Massachusetts, Connecticut, New Hampshire, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes, Inc. of Minneapolis, Minn. By the instant petition, petitioner seeks to add the commodities pudding and cheese sauces to those commodities described above. Any interested person or persons desiring to particiapte may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117644 (Sub-No. 32) (NOTICE OF FILING OF PETITION TO EXTEND COMMODITY DESCRIPTION) filed March 4, 1974. Petitioner: D & T TRUCKING CO., INC., 498 First Street NW., P.O. Box 2611, New Brighton, Minn. 55112. Petitioner's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Petitioner holds a motor *contract carrier* permit in No. MC 117644 (Sub-No. 32) issued January 2, 1974, authorizing transportation, over irregular routes, of *dairy products* (except commodities in bulk), from Chicago, Ill., and points in Minnesota and Wisconsin, to points in Ohio and Kentucky, under a continuing contract or contracts with Land O'Lakes, Inc., of Minneapolis, Minn. By the instant petition, petitioner seeks to add the commodities pudding and cheese sauces to those commodities described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124435 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO MODIFY TERRITORIAL DESCRIPTION), filed March 4, 1974. Petitioner: CLARENCE SHROEDER, 820 Central Drive, Inkster, Mich. 48141. Petitioner's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Petitioner holds a motor *contract carrier* permit in No. MC 124435 (Sub-No. 3) issued August 23, 1965, authorizing transportation, over irregular routes, of *brick*, from points in Ohio (except points in Scioto and Lawrence Counties) and that part of Pennsylvania on and west of U.S. Highway 219, to Detroit, Mich. By the instant petition, petitioner seeks to modify its territorial description to read: "(1) from points in Ohio (except those in Scioto and Lawrence Counties) and that part of Pennsylvania on and west of U.S. Highway 219, to points in the Lower Peninsula of Michigan; and (2) from railroad sidings at points in the Lower Peninsula of Michigan, to points in the Lower Peninsula of Michigan". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135034 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER) filed March 4, 1974. Petitioner: KAPE EXPRESS, INC., Erie Industrial Park Bldg. #50, P.O. Box 486, Port Clinton, Ohio 43452. Petitioner's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 135034 (Sub-No. 1) issued April 6, 1972, authorizing transportation, over irregular routes of (1) *Expanded polystyrene products and plastic products* (except commodities in bulk), from Erie Industrial Park, Erie Township (Ottawa County), Ohio, to points in the United States (excluding Ohio, Alaska and Hawaii); and (2) *materials, supplies and equipment* (except commodities in bulk) used in the manufacture of expanded polystyrene products and plastic products, from points in the United States (except Ohio, Alaska and Hawaii), to Erie Industrial Park, Erie Township (Ottawa County), Ohio, under a continuing contract or contracts with Snark Products, Inc. By the instant petition, petitioner seeks to add Aim Packaging, a division of U.S. Industries, Inc. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136787 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed February 4, 1974. Petitioner: BIBEY TRUCKING COMPANY, INC., 937 Mill Creek Avenue, Box 386, Perryville, Md. 21903. Petitioner's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Petitioner holds a motor *contract carrier* permit in No. MC 136787 (Sub-No. 1), issued March 8, 1974, authorizing transportation, over irregular routes, of *sand and gravel*, in bulk, from the site of the pits of Mason-Dixon Sand and Gravel Company, at or near North East, Md., to Reading, Kennett Square, Chester, and Coatesville, Pa., and Bear, Brookside Park, Dover, Middleton, Newark, and Wilmington, Del., under a continuing contract or contracts with Mason-Dixon Sand and Gravel Company. By the instant petition, petitioner seeks to (1) delete Mason-Dixon Sand and Gravel Company as a contracting shipper, and substitute in lieu thereof the name of Mason-Dixon Sand & Gravel Co., Division of York Building Products Co., Inc., and (2) modify its destination points to read: "to Reading, Kennett Square, Chester, and Coatesville, Pa., and points in Delaware (except Bear, Brookside Park, Dover, Middleton, Newark, and Wilmington)." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138059 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO EXTEND OPERATIONS) filed February 28, 1974. Petitioner: NORTHWEST TRANSPORT, a Corporation, 5165 G Street, Chino, Calif. 91710. Petitioner's representative: Jerry S. Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Petitioner holds a motor *contract carrier* permit in No. MC 138059 (Sub-No. 1) issued March 14, 1973, authorizing transportation, over irregular routes, of (1) *paper products*, from Flagstaff, Ariz., to points in Texas, New Mexico, California, Nevada, Colorado, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota; (2) *chemicals, supplies and machinery*, used in the manufacture and sale of paper products, from points in the above named destination states, to Flagstaff, Ariz.; and (3) *scrap paper*, between points in Arizona, Texas, New Mexico, California, Nevada, Colorado,

Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota under a continuing contract or contracts with Ponderosa Paper Products, Inc. of Flagstaff, Ariz. By the instant petition, petitioner seeks to extend its existing authority by adding the following operations: "(A) (1) *bead bag, pillows, pads, and cushions, and new chairs and tables;* and (2) *advertising matter, premiums and display materials* when shipped in the same vehicle with commodities described in (1) above, from the plantsite and warehouses of Plymouth Enterprises, Inc., located in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and *return with materials and supplies* (except commodities in bulk) used in the production and distribution of commodities described in (1) above, and with or without *commodities* the transportation of which is partially exempt under the provision of Section 203(b) of the Interstate Commerce Act when moving in the same vehicle at the same time, with said materials and supplies, under a continuing contract with Plymouth Enterprises, Inc.; and (B) (3) *cushioning, padding, wadding and packaging articles, products and material;* and (4) *advertising matter, premiums and display materials* when shipped in the same vehicle with commodities described in (3) above, from the plantsite and storage facilities of Paper-Pak Products, Inc., located at points in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and *return with materials and supplies* (except commodities in bulk) used in the production and distribution of commodities described in (3) above, under a continuing contract or contracts with Paper-Pak Products, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 120013 (Sub-No. 2), filed January 28, 1974. Applicant: JOHANSEN SUPERIOR TRUCK COMPANY, 1580 Jesse Street, Los Angeles, Calif. 90021. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, commodities which because of size or weight require the use of special equipment, used household goods as defined by the Commission), Regular Route, between points on and within 10 miles laterally of the following highways: (a) U.S. Highway 101 between Los Angeles limits and San Ysidro, inclusive, (b) U.S. Highway 395 between Los Angeles limits and San Diego, inclusive, and (c) Interstate 10 and U.S. Highway 60 between Los Angeles and Indio, inclusive; Irregular Route, Between points in the Los Angeles Basin Territory as follows: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles boundary line intersects the Pacific Ocean; thence northeasterly along said County line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Fernando National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including an unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way to the Atchison, Topeka and Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to convert the Certificate of Registration issued to MC-120013 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12123 published in the FEDERAL REGISTER issue of February 6, 1974. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133150 (Sub-No. 2), filed February 11, 1974. Applicant: JAMES INNACO, doing business as SKYLINE TRANSPORT, 969 Bridgeport Avenue, Milford, Conn. 06460. Applicant's representative: William J. Meuser, 86 Cherry Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), Regular Route, (1) between Greenwich, Conn., and New York, N.Y., serving all intermediate points: From Greenwich over U.S. Highway 1 to New York, and return over the same route; and (2) between New Haven, Conn., and Greenwich, Conn., serving the intermediate points of Milford, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, and Stamford, Conn., and serving the off-route points of East Haven, West Haven, Hamden, and Trumbull, Conn.: From New Haven over U.S. Highway 1 to Greenwich, and return over the same route; Regular Routes: (B) *General commodities* (other than household goods and office furniture and equipment and other than commodities which necessitate the use of tank trucks, dump trucks, or special equipment): Route 1: Hartford to Meriden via Southington and via Middletown, serving Hartford, West Hartford, New Britain, Berlin, Plainville, Bristol, Terryville, Southington, and Meriden (also serving East Hartford, Glastonbury, Portland, and Middletown); Route 2: Between Hartford and Vernon via Manchester and Wapping, serving Hartford, East Hartford, Manchester, Vernon, and Wapping; Irregular Routes: (C) *General commodities* (other than household goods and office furniture and equipment and other than commodities which

necessitate the use of dump trucks, tank trucks, or special equipment) between Hartford, East Hartford, and West Hartford, on the one hand, and, on the other, the following points in Connecticut: Andover, Avon, Berlin, Bloomfield, Bolton, Bristol, Burlington, Canton, Colchester, Columbia, Coventry, Cromwell, Durham, East Granby, East Hampton, East Hartford, East Windsor, Ellington, Enfield, Farmington, Glastonbury, Granby, Hartford, Hebron, Manchester, Mansfield, Marlboro, Meriden, Middlefield, Middletown, New Britain, New Hartford, Newington, Plainville, Plymouth, Portland, Rocky Hill, Simsbury, Somers, Southington, South Windsor, Suffield, Tolland, Torrington, Vernon, Wallingford, West Hartford, Wethersfield, Willington, Windsor, and Windsor Locks; Irregular Routes: (D) *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), which are at the time of moving on bills of lading or freight forwarders, between Manchester, Conn., on the one hand, and, on the other, North Haven, Conn.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Wallingford, Conn., to provide through service between New Haven, Conn., and New York, N.Y. This matter is directly related to the Section purchase proceeding in MC–F–12136 published in the FR issue of February 20, 1974. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC–F–12158. Authority sought for purchase by MATSON TRUCK LINES, INC., 1407 St. John St., Albert Lea, MN 56007, of the operating rights and property of BRAUNSEN TRUCKING, Walters, MN 56092, and for acquisition by DALE MATSON, also of Albert Lea, MN 56007, of control of such rights and property through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operatings rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from St. Louis, Mo., to Mankato and Albert Lea, Minn. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Wisconsin, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Indiana, Ohio, Arkansas, Colorado, Missouri, Oklahoma, Texas, Michigan, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Kentucky, Louisiana, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12159. Authority sought for purchase by GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips Street, Watertown, Mass. 02172, of the operating rights of THEROUX BROTHERS, INC., 550 Pond Street, Woonsocket, R.I. 02895, and for acquisition by JOSEPH J. GRINGERI, 70 Phillips Street, Watertown, Mass. 02172, of control of such rights through the purchase. Applicants' attorneys: FRANK J. WEINER, 15 Court Square, Boston, Mass. 02108. LAURENT C. BILODEAU, 194 Main St., Woonsocket, R.I. 02895, and JOHN F. CORBETT, 348 Mount Auburn St., Watertown, Mass. 02172. Operating rights sought to be transferred: General commodities, with exceptions as a *common carrier* over regular routes between Woonsocket, R.I., and Boston, Mass., between Woonsocket, R.I., and Providence, R.I., between Woonsocket, R.I., and Pascoag, R.I., between Woonsocket, R.I., and Worcester, Mass., *chemicals*, as a *common carrier* over irregular routes, from Woonsocket, R.I., to Putnam, Conn., *household goods*, between Woonsocket, R.I., on the one hand, and, on the other, points and places in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, *wool*, between Woonsocket, R.I., and points and places in the Towns of Burrillville and North Smithfield, Providence County, R.I., on the one hand, and, on the other, Barre, Boston, Chelmsford, Hudson, Lawrence, Lowell, Norton, and Webster, Mass. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Massachusetts, New York, Maine, New Jersey, and Rhode Island, and as a *contract carrier* in Massachusetts, New Hampshire, Maine, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12160. Authority sought for purchase by GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips St., Watertown, MA 02172, of the operating rights of (1) VALLEY TRUCKING, INC., (2) WELLESLEY TRUCKING, INC., both of Watertown, MA 02172 and (3) LARAMEE'S TRANSIT, INC., 299 First Ave., Woonsocket, R.I. 02895, and for acquisition by JOSEPH J. GRINGERI, also of Watertown, MA 02172, of control of such rights through the purchase. Applicant's attorney: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be transferred: (1) *New furniture*, as a *common carrier* over irregular routes, from Boston, Mass., and points within 15 miles of Boston, to points in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; *uncrated new furniture*, from Boston, Mass., and points in Massachusetts within 15 miles of Boston, to points in New York and New Jersey, with restriction; (2) *such commodities as require special equipment* by reason of size or weight, between a specified area in eastern Massachusetts on the one hand, and, on the other, points in Rhode Island, Connecticut, specified areas of New York, and specified areas of New Hampshire; and (3) *general commodities*, with usual exceptions, over regular routes, between New Bedford and Lawrence, Mass., serving all intermediate points and specified off-route points; *wool, wool tops, yarn, textile products, chemicals, machinery*, and *commodities* used or useful in the manufacture of woolen yarn and textile products, over irregular routes, between Woonsocket, North Smithfield, Burrillville, Pawtucket, and Providence, R.I., on the one hand, and, on the other, Barre, Boston, Fitchburg, Holyoke, and Norton, Mass., and between Woonsocket, R.I., and Putnam, Conn. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Massachusetts, New York, Maine, and Rhode Island, and as a *contract carrier* in Massachusetts, New Hampshire, Vermont, Maine, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12161. Authority sought for purchase by ROZAY'S TRANSFER, 2315 Nadeau St., Huntington Park, CA 90255, of a portion of the operating rights of SEA-AIR CONTAINER TRANSPORT, INC., 2350 W. 17th St., Long Beach, CA 90813, and for acquisition by WILLIAM S. ROSAY AND RICHARD A. FLETCHER, both of Huntington Park, CA 90255, of control of such rights through the purchase. Applicants' attorney: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120097 (Sub-No. 1) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12162. Authority sought for purchase by LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431, of the operating rights of TRANSPORT SERVICE COMPANY, INC., Route 1, Box 19D6, Crescent City, FL 32012, and for acquisition by HERBERT ARNOLD LIGON, JR., also of Madisonville, KY 42431, of control of such rights through the purchase. Applicants' attorneys: Ronald E. Butler, P.O. Box L, Madisonville, KY 42431, and Louis J. Amato, 1301 Ambassador Bldg., St. Louis, MO 63101. Operating rights sought to be transferred: *Phosphatic* feed supplements, in bags and in bulk (except in liquid form in tank vehicles), as a *common carrier* over irregular routes, from Bonnie and Tampa, Fla., to points in Alabama, Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wisconsin. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12163. Authority sought for purchase by NEW ENGLAND MOTOR FREIGHT, INC., 520 Main St., Wallington, NJ 07057, of the operating rights of THE RELIABLE WAREHOUSE COMPANY, 100 Railroad Ave., Beacon Falls, CT 06403, and for acquisition by MORRIS FRIEDMAN, DAVID GOLDMAN,

AND JACOB GOLDMAN, also of Wallington, NJ 07057, of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048, and William J. Meuser, 86 Cherry St., Milford, CT 06460. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99328 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-112107 (Sub-No. 9), is a matter directly related.

No. MC-F-12164. Authority sought for purchase by VALLERIE'S TRANSPORTATION SERVICE, INCORPORATED, Connecticut Avenue, Norwalk, Connecticut, 06854, of a portion of the operating rights of BILKAYS EXPRESS, CO., 100 Third Avenue, Elizabeth, New Jersey 07206, and for acquisition by JOHN E. VALLERIE, SR., Indian Spring Road, Rowayton, Conn. 06893, ALBERT E. VALLERIE, SR., Wolfpit Road, Norwalk, Conn. 06854, and STANLEY E. DABROWSKI, 41 Canterbury Lane, Wilton, Conn. 06897, of control of such rights through the purchase. Applicants' attorneys: THOMAS W. MURRETT, 342 North Main Street, West Hartford, Connecticut 06117, and CHARLES J. WILLIAMS, 47 Lincoln Park, Newark, New Jersey 07102. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier*, over irregular routes from points in Westchester County, N.Y., to all points in Dutchess, Rockland, and Suffolk Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Connecticut, New York, New Jersey, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12165. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 9850 Pelham Rd., Taylor, MI 48180, of the operating rights of MEDINA-CLEVELAND FREIGHT LINE, INC., 620 E. Smith Rd., Medina, OH 44256, and for acquisition by WAYNE E. LONG, Route 1, Brutus, MI 49716, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Cleveland, and Medina, Ohio, serving various intermediate and off-route points; and under a certificate of registration, in Docket No. MC-99661 (Sub-3), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Connecticut, Michigan, New Jersey, New York, Illinois, Indiana, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-24379 (Sub-No. 39), is a matter directly related.

No. MC-F-12166. Authority sought for purchase by JACKSON AND JOHNSON, INC., Route 31, Box 7, Savannah, NY 13146, of a portion of the operating rights of DRESSING TRANSPORT, INC., 683 Lake St., Wilson, NY 14172, and for acquisition by JOHN W. JACKSON, also of Savannah, NY 13146, of control of such rights through the purchase. Applicants' attorney: S. Michael Richards, 44 North Ave., Webster, NY 14580. Dual operations are involved. Operating rights sought to be transferred: *Salad dressing* and *tartar sauce* (except in bulk) as a *contract carrier*, over irregular routes, from Wilson, N.Y., to points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia; *materials, supplies, and equipment* used in the manufacture or distribution of salad dressing and tartar sauce (except in bulk), from points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia, to Wilson, N.Y., with restriction. Vendee is authorized to operate as a *common carrier*, in New York, Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6461 Filed 3-20-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 15, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Arkansas Docket No. M-8127, filed February 20, 1974. Applicant: ATLAS TRANSIT, INC., 6101 Lindsey Road, Little Rock, Ark. 72203. Applicant's representative: Janes N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: Transportation of *general commodities*, (1) between Jonesboro, Ark., and Hoxie, Ark., in connection with carriers authorized regular route operations, serving no intermediate points: From Jonesboro over U.S. Highway 63, and return over the same route; (2) between Jonesboro, Ark., and Waldenburg, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Jonesboro over State Highway 39, and return over the same route; (3) between Fordyce, Ark., and Warren, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Fordyce over State Highway 8, and return over the same route; (4) between Warren, Ark., and Monticello, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Warren over State Highway 4, and return over the same route; (5) between Monticello, Ark., and Tillar, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Monticello over State Highway 4 to junction State Highway 277, and thence over State Highway 277, and return over the same routes; (6) between El Dorado, Ark., and Crossett, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From El Dorado over U.S. Highway 82, and return over the same route; (7) between Hamburg, Ark., and Eudora, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Hamburg over State Highway 8, and return over the same route; and (8) between Danville, Ark., and Russellville, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Danville over State Highway 27, and return over the same route. Intrastate and interstate commerce authority sought.

HEARING: April 2, 1974, in the Arkansas Transportation Commission hearing room, Justice Building, Little Rock, Ark., at 10:00 A.M. Request for procedural information should be addressed to the Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201, and should *not* be directed to the Interstate Commerce Commission.

Iowa Docket No. H-5099, filed January 11, 1974. Applicant: Van Wyk

Freight Lines, Inc., Grinnell, Iowa 50112. Applicant's representative: Russell H. Wilson, 3839 Merle Hay Road, Suite 200, Des Moines, Iowa 50310. Certificate of public convenience and necessity sought to operate a freight service as follows:

NOTE.—Applicant proposes to lease from All-American Transport, Inc., 1500 Industrial Avenue, Sioux Falls, S. Dak., intrastate authority for transportation of *general commodities*, between Atkins, Belle Plaine, Blairstown, Chelsea, Clutier, Des Moines, Dysart, Elberon, Garrison, Keystone, Luzerne, Newhall, Norway, Tama, Toledo, Traer, Van Horne, Vining, Vinton, and Watkins, Iowa. Applicant then seeks to provide interstate general commodity service between these same points and places all within the State of Iowa for a period of time corresponding to the length of the lease of the above-described intrastate authority.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4884 (Sub-No. 3) (Amendment), filed November 9, 1973. Applicant: DAYTON MOTOR EXPRESS, INC., N. Broadway, Dayton, Tenn. 37321. Applicant's representative: William H. Lassiter, Jr., 22nd Floor, L & C Tower, Nashville, Tenn. 37219. Application is further amended to read as follows: "I. To operate as a motor carrier for the transfer of general commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn.; thence along said U.S. Highway 27 to Harriman, Tenn., thence west along U.S. Highway 27 to its intersection with State Highway 29A, thence south along State Highway 29A to Midtown, Tenn. (at the intersection of State Highway 29A and U.S. Highway 70), thence east along said U.S. Highway 70 to Kingston, Tenn., thence east along U.S. Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over same route to Dayton, Tenn., in interstate and intrastate commerce." "II. To operate as a motor carrier for the transfer of general commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn.; thence along U.S. Highway 27 to the intersection of U.S. Highway 70 and U.S. Highway 27; thence east along U.S. Highway 70 to Midtown, Tenn.; thence east along U.S. Highway 70 to Kingston, Tenn.; thence east along U.S. Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over the same route to Dayton, Tenn., in interstate and intrastate commerce; and along Interstate Highway 40 from Rockwood, Tenn., to Knoxville, Tenn., serving no intermediate points between Rockwood and Knoxville and return along same routes, in interstate and intrastate commerce."

HEARING: April 18, 1974, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6459 Filed 3–20–74;8:45 am]

[Notice 22]

MOTOR CARRIER, BROKER, WATER, CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 15, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before May 20, 1974, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 200 (Sub-No. 263), filed February 1, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, the District of Columbia, Maine, New Hampshire, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Oklahoma City, Okla.

No. MC 720 (Sub-No. 12), filed February 6, 1974. Applicant: BIRD TRUCKING COMPANY, INC., P.O. BOX 227, Waupun, Wis. 53963. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

for human consumption, between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Iowa, Michigan, Wisconsin, Pennsylvania, Minnesota, Illinois, Indiana, Ohio, Nebraska, Colorado, Kansas, and Missouri, restricted against the transportation of the above-named commodities in bulk, in tank vehicles, and further restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 1330 (Sub-No. 15), filed January 30, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Baltimore, Md. and Washington, D.C., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.; (2) between Richmond, Petersburg, and Bermuda Hundred, Va., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.; and (3) between Hickory, North Wilkesboro and Mount Airy, N.C., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.

NOTE.—Applicant states the the requested authority can be tacked with its existing authority at those specified points in Tennessee to provide service between points in North Carolina, Virginia, South Carolina, and Maryland, on the one hand, and, on the other, origin points named in (1), (2) and (3) above. Applicant states that it is presently providing the service sought herein via a Charlotte, N.C. gateway. The purpose of this application is the elimination of this gateway. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. or Washington, D.C.

No. MC 4483 (Sub-No. 19), filed February 6, 1974. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, chipboard and waferboard*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Grand Portage, Minn., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri; and (2) *newsprint paper*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Grand Portage, Minn., to points in Indiana, Kansas, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Duluth or St. Paul, Minn.

No. MC 4963 (Sub-No. 45), filed December 28, 1973. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street & Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and equipment*, from Pittsfield, Mass., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE.—Common control was approved in Docket No. MC-F-11221. Applicant states that the requested authority can be tacked (1) at Pittsfield, Mass., with its regular route authority between Williamstown, Mass., and Philadelphia, Pa., and between North Adams, Mass., and New York, N.Y., to provide a through service to the destination points requested herein and combining this with existing tacking possibilities, applicant could then tack at Philadelphia, Pa., and New York, N.Y., to provide a through service from points in North Carolina, Virginia, Maryland, Delaware, and Pennsylvania to the destination points requested herein; and (2) at Pittsfield, Mass., to provide service from points in Massachusetts to the destination points requested herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 342), filed February 8, 1974. Applicant: DEATON, INC., 317 Avenue W, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Gadsden, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 14552 (Sub-No. 53), filed February 1, 1974. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from the plantsites of the U.S. Steel Corporation at or near Chicago and Joliet, Ill., to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50; and (2) *iron and steel articles and materials, equipment, and supplies* used or useful in the manufacture of iron and steel and iron and steel articles (except liquid commodities and commodities in bulk), from the plantsites of U.S. Steel Corporation at or near Chicago and Joliet, Ill., to the plantsite of U.S. Steel Corporation at or near Pittsburgh, Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, and Vandergrift, Pa., restricted to transportation of shipments originating at and/or destined to the above named origins and destinations.

NOTE.—Applicant holds contract carrier authority in MC-123991 and subs thereto, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 201), filed December 28, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, missile components, supplies, machinery, equipment*, and *equipment* used in the maintenance service and operation of missiles from Nekoma, N. Dak., and points in Benson, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Towner, and Walsh Counties, N. Dak. on the one hand, and, on the other, points in Orange County, Fla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20916 (Sub-No. 12), filed February 7, 1974. Applicant: JOHN T. SISK, Rt. 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, wood sawdust, tree bark, wood ties, and lumber*, from points in Louisa County, Va., to points in Pennsylvania, Delaware, New Jersey, Maryland, and West Virginia; (2) *wood chips, wood sawdust, and wood bark*, from points in King George County, Va., to points in Spring Grove, Pa.; and (3) *lumber*, from Hightstown and Newark, N.J., to points in Orange, Va.

NOTE.—Applicant holds contract carrier authority in MC-134427, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 254) (AMENDMENT), filed January 7, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, and republished as amended this issue. Applicant: CLAY HYDER

TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, wood chips, lighter fluid, fireplace logs, carbon, and activated fly ash*, from Ocala, Jacksonville, and Romeo, Fla., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate that applicant seeks to include carbon and activated fly ash within the commodity description above. Common control was approved in MC-F-8953. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 26396 (Sub-No. 113), filed February 7, 1974. Applicant: POPELKA TRUCKING CO., a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, lumber, wood products, and lumber products*, from points in Montana east of the Continental Divide, to points in Texas and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. Applicant states that the requested authority can be tacked with Sub-No. 68, on wood poles, piling, and posts, at those points in Montana east of the Continental Divide to provide a through service from Laramie, Wyo., to points in Texas and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 28457 (Sub-No. 7) (AMENDMENT), filed November 20, 1973, published in the FEDERAL REGISTER issue of March 7, 1974, and republished, as amended, in part, this issue. Applicant: DELAWARE VALLEY TRANSPORTATION CO., doing business as POCONO MOUNTAIN TRAILS, 213 North 9th Street, Stroudsburg, Pa. 18360. (2) Between points in Palmyra Township (Pike County), Pa. and New York, N.Y., serving all intermediate points between Palmyra Township and Delaware Township (Pike County), Pa., inclusive, and serving no intermediate points between Delaware Township (excluding Delaware Township), Pa., and New York, N.Y.: From Tanglewood Lake Estates, Palmyra Township (Pike County), Pa., located at a point on or near Pennsylvania Highway 507 approximately 4 miles south of Paupack, Palmyra Township (Pike County), Pa., thence in a southerly direction over Pennsylvania Highway 507 to junction Pennsylvania Highway 507 and Interstate Highway 84, thence in an easterly direction over Interstate Highway 84 to junction Interstate Highway 84 and Pennsylvania Highway 739, thence in a southeasterly direction over Pennsylvania Highway 739 to the junction of Pennsylvania Highway 739 and New Jersey Highway 521 at or near the Pennsylvania-New Jersey State Boundary line, thence in an easterly direction over New Jersey Highway 521 to junction New Jersey Highway 521 and U.S. Highway 206, thence southeasterly over U.S. Highway 206 to junction U.S. Highway 206 and New Jersey Highway 15, thence southeasterly over New Jersey Highway 15 to junction New Jersey Highway 15 and Interstate Highway 80, thence easterly over Interstate Highway 80 to junction Interstate Highway 80 and Interstate Highway 95, thence southerly over Interstate Highway 95 to junction Interstate Highway 95 and Interstate Highway 495, thence easterly over Interstate Highway 495 to New York, N.Y., and return over the same route.

NOTE.—The purpose of this partial republication is to amend route description #2. The rest of the notice remains as originally published. If a hearing is deemed necessary, applicant requests it be held at Stroudsburg, Pa.

No. MC 29079 (Sub-No. 68), filed February 6, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Danville and Kankakee, Ill., and points in Indiana, Michigan (on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Business Route U.S. Highway 10, thence along Business Route U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River to Saginaw, and thence along the Saginaw River to Saginaw Bay), and points in Ohio, on the one hand, and, on the other, the plant facilities and warehouses of the American Motors Corp. at or near Kenosha, Wis., and in Racine County, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Chicago, Ill., or Washington, D.C.

No. MC 29120 (Sub-No. 175), filed February 8, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, chromes, and commodities in bulk), from St. Paul, and Worthington, Minn., and Omaha, Nebr., to points in Michigan, Indiana, Ohio, Kentucky, and Missouri.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing regular route authority to provide a through service from Sioux Falls, S. Dak., to those destination points named above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 30837 (Sub-No. 461), filed February 13, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, P.O. Box 160, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses, and parts thereof*, when moving therewith, from Delaware, Ohio, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41432 (Sub-No. 140), filed February 5, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, rock gravel, sand, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of General Cable Corporation, located at or near Monticello, Ill., as an off-route point in connection with carrier's authorized regular-route operations to and from Decatur, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New York, N.Y.

No. MC 56640 (Sub-No. 31), filed January 28, 1974. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Colton and Calexico, Calif.: From Colton over Interstate Highway 10 to junction California Highway 111 (near Indio) thence over California Highway 111 to Calexico and return over the same route, serving all intermediate points; (2) Between Riverside and Beaumont, Calif.: From Riverside over California Highway 60 to Beaumont and return over the same route, serving all intermediate points; (3) Between junction California

Highway 111 and Interstate Highway 10 (near Whitewater) and junction Interstate Highway 10 and California Highway 111 (near Indio): From junction California Highway 111 and Interstate Highway 10 over California Highway 111 to junction California Highway 111 and Interstate Highway 10 and return over the same route, serving all intermediate points; (4) Between junction California Highway 111 and California Highway 86 (near Coachella) to junction California Highway 111 and California Highway 86 (near Calexico): From junction California Highway 111 and California Highway 86 over California Highway 86 to junction California Highway 111 and California Highway 86 and return over the same route, serving all intermediate points; (5) Between junction California Highway 62 and Interstate Highway 10 and Twentynine Palms, Calif.: From junction California Highway 62 and Interstate Highway 10 over California Highway 62 to Twentynine Palms, and return over the same route, serving all intermediate points and the off-route point of the Marine Corps Training Center near Twentynine Palms; (6) Between San Diego and Winterhaven, Calif.: From San Diego over Interstate Highway 8 (also U.S. Highway 80) to Winterhaven, and return over the same route, serving all intermediate points;

(7) Between San Diego, Calif., and junction Interstate Highway 8 and California Highway 94 near Live Oak Springs, Calif.: From San Diego over California Highway 94 to junction California Highway 94 and Interstate Highway 8, and return over the same route, serving all intermediate points, and the off-route point of Tecate; (8) Between junction unuumbered road and Interstate Highway 8 west of Live Oak Springs, Calif., and junction unnumbered road and Interstate Highway 8: From junction unnumbered road and Interstate Highway 8 via unnumbered road through Live Oak Springs Boulevard and Jacumba to junction unnumbered road and Interstate Highway 8, and return over the same route, serving all intermediate points; (9) Between junction Interstate Highway 8 and California Highway 98 (near Ocotillo) and junction Interstate Highway 8 and California Highway 98: From junction Interstate Highway 8 and California Highway 98 over California Highway 98 to junction Interstate Highway 8 and California Highway 98, (near Gordon's Wells) and return over the same route, serving all intermediate points; and (10) Between Calipatria, Calif., and junction California Highway 115 and California Highway 98: From Calipatria over California Highway 115 to junction California Highway 115 and California Highway 98, and return over the same route, serving all intermediate points.

NOTE.—Common control was approved in MC-F-9986. If a hearing is deemed necessary; applicant requests it be held at Los Angeles, San Diego, or San Francisco, Calif.

No. MC 73165 (Sub-No. 339), filed February 1, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plant site and storage facilities of Johns-Manville Corporation at or near Natchez, Miss., to points in Oklahoma, Arkansas, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 77972 (Sub-No. 23), filed January 23, 1974. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 717 Depository Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Memphis, Tenn., and Brookhaven, Miss.: From Memphis to Brookhaven over Interstate Highway 55 and return over the same route, serving no intermediate points; (2) Between Memphis, Tenn., and Hattiesburg, Miss.: From Memphis to Jackson, Miss., over Interstate Highway 55, thence over U.S. Highway 49 to Hattiesburg, and return over the same route, Between Memphis, Tenn., and Laurel, serving no intermediate points; (3) Miss.: From Memphis to the junction of Interstate Highway 55 and Mississippi Highway 35 near Vaiden, thence over Mississippi Highway 35 to Mount Olive, thence over U.S. Highway 49 to Collins, thence over U.S. Highway 84 to Laurel and return over the same route, serving no intermediate points.

NOTE.—All of the above routes are alternate routes for operating convenience only, in connection with applicant's regular route authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 78228 (Sub-No. 49), filed January 31, 1974. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maryland (except Baltimore, Md.), Massachusetts, Michigan, New Hampshire, New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J.), New York, Ohio, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in base certificate at Kensington, Pa., to provide a through service from points in Ohio and those portions of Pennsylvania, West Virginia, and Kentucky to the destination points named above. Applicant has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 87720 (Sub-No. 160), filed December 26, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phthalic anhydride*, other than bulk, from Neville Island, Pa., to points in New Jersey, Illinois, Texas, Iowa, Georgia, Maryland, Ohio, North Carolina, Massachusets, and Connecticut; (2) *chemicals*, other than bulk, from Chestertown, Md., to points in Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Maryland, Delaware, and Ohio; (3) *chemicals*, other than bulk, from Chestertown, Md., to points in Cleveland, Ohio, Detroit, Mich., Chicago, Ill., Atlanta, Ga., Houston, Tex., Providence, R.I., Dallas, Tex., St. Louis, Mo., Kansas City, Mo., and their respective Commercial Zones; and (4) *materials, supplies and equipment*, other than bulk, from the aforementioned destination points in (1), (2), and (3) to the aforementioned origin points in (1), (2), and (3), under contract with Tenneco, Inc.

NOTE.—Common carrier authority held in MC 135684 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95813 (Sub-No. 13), filed February 7, 1974. Applicant: SHUMAKER TRUCKING COMPANY, a Corporation, 601 U.S. 15 North, Dillsburg, Pa. 17019. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, earthen, and stone products, refractories and refractory products, materials, equipment, and supplies* used in the installation thereof, from Plymouth Township and Port Kennedy (Montgomery County), Pa.; West Manchester Township (York County), Pa.; and Leslie and Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, Rhode Island, Connecticut, District of Columbia, Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, and West Virginia; and (2) *materials, equipment, and supplies* used in the manufacture, storage, and distribution of the named commodities above, from points in the described destination territory, to point of origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed neces-

sary, applicant requests it be held at Harrisburg, Pa.

No. MC 95876 (Sub-No. 146), filed February 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and cement pipe* containing asbestos fiber, from the plant and warehouse sites of Johns-Manville Products Corp. located at or near Waukegan, Ill., to points in Minnesota; and (2) *building materials*, from the plantsite and warehouse facilities of Johns-Manville Perlite Corp. located at or near Joliet, Ill., to points in Minnesota.

NOTE.—Common control was approved in MC-F-10457. Applicant states that the requested authority can be tacked with its existing authority in Sub-Nos. 9 and 64 at points in Minnesota to serve Fargo, N. Dak., and points in Iowa and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96902 (Sub-No. 6), filed February 4, 1974. Applicant: CENTRAL EXPRESS, INC., 304 Grove Street, Westwood, Mass. 02090. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photographic film* (other than for commercial, theatre, or television exhibition) and, together therewith, *incidental supplies*, used in and for shipping said film, between Norwood and Bedford, Mass., on the one hand, and, on the other, points in Rockingham, Merrimack, Hillsborough, and Strafford Counties, N.H., points in Massachusetts on and east of Massachusetts Highway 12, and Southbridge, Mass.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary the applicant requests it be held at Boston, Mass.

No. MC 99780 (Sub-No. 35), filed February 6, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Company, Inc. at Cedar Rapids, Iowa: (1) to Chicago, Ill., and points located within the Chicago Commercial Zone in Illinois; and (2) to St. Louis, Mo., and points located within the St. Louis Commercial Zone in Missouri, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 266), filed February 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 766, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from Dallas, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 225 at the facilities of Mid-States Steel & Wire Company at Greenville, Miss., to serve points in Wisconsin and Michigan. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 100666 (Sub-No. 268), filed February 7, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk, in tank vehicles), from Scottsboro, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, (1) at Scottsboro, Ala. (a) in Sub-No. 73, on siding (except asbestos), to provide a through service from Shreveport, La.; (b) in Sub-No. 106, on building and insulating materials, and gypsum and gypsum products, to provide a through service from Acme, Tex.; (c) in Sub-No. 109, on wallboard, fibreboard, plywood, particleboard, roofing, insulating, sheathing, gypsum products, joint system compounds, and building paper, to provide a through service from Irving, Tex.; (d) in Sub-No. 53, on lumber, to provide a through service from Mississippi; and (e) in Sub-No. 196, on vinyl flooring tile, to provide a through service from Center, Tex., (a), (b), (c), (d) and (e) to points east of Scottsboro, Ala.; and (f) in Sub-No. 163, on gypsum products, asbestos products, and building materials to provide a through service from the plantsites and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Maryland, Pennsylvania, and points north and east thereof; and (2) (a) in Sub-No. 69, at Tap City, Ark., on aluminum doors and windows, complete with glass panes, and accessories used in the installation thereof; (b) in Sub-No. 153, at St. Smith, Ark., on plastic pipe; and (c) in Sub-No. 154, at MacPherson, Kans., and Waco, Tex., on plastic pipe and related products, 2 (a), (b) and (c) to serve points west of the border states as indicated above; and (3) in Sub-No. 176 at Pittsburg, Kans., on prefinished wall panels, composition board, wallboard, plywood, and moldings to serve points in Montana, Nevada, Arizona, Utah, Idaho, Washington, Oregon, and California. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 103191 (Sub-No. 40), filed February 15, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Norfolk and Portsmouth, Va., on the one hand, and, on the other, Cincinnati, Ohio, and points in Kentucky.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 106274 (Sub-No. 20), filed January 28, 1974. Applicant: RAEFORD TRUCKING COMPANY, a Corporation, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: R. B. Guthrie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Ohio, to points in North Carolina and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 107227 (Sub-No. 130), filed February 8, 1974. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Boulevard, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Los Angeles Harbor and Long Beach, Calif., to points in Utah.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107496 (Sub-No. 935), filed January 23, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Third at Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, liquid, (1) from Osage City, Kans., to points in Oklahoma; (2) from Madison, Wis., to points in Iowa, Illinois, and Minnesota; (3) from Oskaloosa, Iowa, to points in Illinois and Missouri; (4) from Elwood, Kans., to points in Iowa, Nebraska, and Missouri; and (5) from Baxter, Iowa, to points in Missouri.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with (1) above, (a) in Sub-No. 837, at Osage City, Kans., to provide a through service from Grand Island, Nebr.; (b) in Sub-No. 826, at Osage City, Kans., to provide a through service from Audubon, Iowa; (c) in Sub-No. 745, at Osage City, Kans., to provide a through service from Council Bluffs, Iowa; (d) in Sub-No. 396, at Osage City, Kans., to provide a through service from Morrill, Nebr.; and (e) in Sub-No. 408, at Osage City, Kans., to provide a through service from Weeping Water, Nebr., to points in Oklahoma, with (2) above, in Sub-No. 837, at Cameron, Ill., Muscatine, Iowa, and the Cargill, Inc. facilities, located at or near Buffalo, Iowa, to serve points in Missouri; with (3) above, (a) in Sub-No. 837, at Cameron or Shannon, Ill., to serve points in Wisconsin; and (b) in Sub-No. 110, at points in Missouri, to serve points in Iowa; with (4) above, (a) in Sub-No. 837, at Lewiston, Mo., to serve points in Illinois, and at the Cargill, Inc. facility, located at or near Buffalo, Iowa, to serve points in Illinois, Wisconsin, and Minnesota; and (b) in Sub-No. 763, at the Occidental Warehouse, located at Clinton, Iowa, to serve points in Illinois, Minnesota, and Wisconsin; with (5) above, (a) in Sub-No. 837, at Lewiston Mo., to serve points in Illinois; and (b) in Sub-No. 110 at points in Missouri, to serve points in Iowa, with (2) above, in Sub-No. 767, at Havana, Ill., and Savage, Minn., with (3) above, at Havana, Ill.; and with (4) above, at Omaha, Nebr., to serve points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Colorado, Mississippi, Wisconsin, Wyoming, Kentucky, Michigan, Alabama, Indiana, Georgia, Ohio, Florida, North Dakota, South Dakota, Illinois, Oklahoma, Montana, Missouri, Nebraska, and Tennessee, with (3) above, at Oskaloosa, Iowa, to provide a through service from Battle Creek, Mich., to points in Illinois and Missouri; with (5) above, at Baxter, Iowa, to provide a through service from Battle Creek, Mich., to points in Missouri; with (2) and (4) above, (a) in Sub-No. 826, at Audubon, Iowa, plantsite, to serve points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; (b) in Sub-No. 745, at Council Bluffs, Iowa, to serve points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and South Dakota; (c) in Sub-No. 799, at Muscatine, Iowa, to serve points in Illinois, Indiana, Wisconsin, and Minnesota; (d) in Sub-No. 737, at Des Moines, Iowa, to serve points in 33 States and at West Des Moines, Iowa, to serve points in Arkansas, Colorado, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin; and (e) in Sub-No. 470, at facilities located at or near Sioux City, Iowa, to serve points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Minnesota, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; with (2) and (3) above, (a) in Sub-No. 471, at the Niota, Ill., plantsite, to serve points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin; and (b) in Sub-No. 361, at East Dubuque, Ill., plantsite to serve points in Indiana, Iowa, Kansas, Missouri, Kentucky, Michigan, Nebraska, Ohio, South Dakota, Minnesota, and Wisconsin; with (3) above, in Sub-No. 110, at Oskaloosa, Iowa, to provide a through service from points in Colorado, Iowa, Kansas, Minnesota, Nebraska, and South Dakota, to points in Illinois and Missouri; with (1) above, (a) in Sub-No. 308, at Osage City, Kans., to provide a through service from the Occidental plantsite at Montpelier, Iowa, to Oklahoma; (b) with (2) above, at the Occidental plantsite at Montpelier, Iowa, to serve points in Indiana, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, Ohio, Michigan, Kentucky, Tennessee, Mississippi, Arkansas, and Pennsylvania; and (c) with (4) above, at the Occidental plantsite at Montpelier, Iowa, to serve points in Indiana, Kansas, Minnesota, North Dakota, South Dakota, Wisconsin, Illinois, Ohio, Michigan, Kentucky, Tennessee, Mississippi, Arkansas, and Pennsylvania, and at the Occidental facilities, located at or near Omaha and Nebraska City, Nebr., to serve points in Kansas and South Dakota, and with (1) and (3) above, at Osage City, Kans., and Oskaloosa, Iowa, to provide a through service from the Occidental facilities, located at or near Omaha and Nebraska City, Nebr., to points in Oklahoma and Illinois, respectively. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Omaha, Nebr.

No. MC 107934 (Sub-No. 24), filed February 4, 1974. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 787, Lexington, N.C. 27292. Applicant's representative: John R. Sims, Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rejected, refused, defective, damaged, repossessed, and samples of new furniture*, from points in the United States (except Alaska, Hawaii, Maine, Massachusetts, New Hampshire, and Vermont), to points in Alamance, Davidson, Davies, Forsyth, Guilford, Randolph, Rockingham, and Stokes Counties and Hillsboro and Statesville, N.C., restricted to traffic originating at the destination points above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 109207 (Sub-No. 382), filed February 4, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and non-frozen, and non-edible foods (except commodities in bulk), from Logansport, Ind., to points in Iowa, Nebraska, Missouri, Kansas, Arkansas, Oklahoma, Mississippi, Louisiana, Texas, New Mexico, Arizona, California, Minnesota, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 108676 (Sub-No. 60), filed February 14, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air handling equipment and systems;* and (2) *materials, parts, components, and supplies* (except commodities in bulk) used in air handling equipment and systems, from Greenville, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 109397 (Sub-No. 293), filed February 6, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, by-product materials, radioactive materials, related radioactive materials, related radioactive equipment, component parts, and associated materials*, (1) between points in Alabama, Tennessee, Mississippi, Kentucky, Louisiana, Georgia, North Carolina, South Carolina, and Virginia; and (2) between points in the territory named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked (a) with Sub-278, at Barnwell County, S.C., to provide service between points in the United States, and (b) with Sub-150, over Burke County, Ga., Anderson and Roane Counties, Tenn., Campbell and Norfolk Counties, Va., and specific points within 25 miles of the District of Columbia, to provide service between specific counties in California, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Mexico, Ohio, Pennsylvania, Utah, and New York, and points in the United States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 109802 (Sub-No. 32) filed February 4, 1974. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* in the same vehicle with passengers, (1) Between Denville, N.J., and Wayne, N.J.: From Denville, N.J., over Interstate Highway 80 to junction with New Jersey Highway 23 and U.S.

Highway 46, in Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (2) Between Parsippany-Troy Hills, N.J., and Wayne, N.J.: (a) From junction of U.S. Highway 46 and Interstate Highway 80 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J.; (b) from junction of Interstate Highway 80 and Cherry Hill Road, in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J.; and (c) from junction of Interstate Highway 287 and U.S. Highway 46 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J., and return over the same routes, as alternate routes for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (3) Between Wayne, N.J., and New York, N.Y.: From the junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction with Interstate Highway 95 in Ridgefield Park, N.J., thence over Interstate Highway 95 to Secaucus, N.J. (Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J.), thence over Interstate Highway 95 exit road to junction with Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only.

(4) Between Parsippany-Troy Hills, N.J., and Montville, N.J.: From intersection of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills, N.J., over Interstate Highway 287 to its junction with Main Street, in Montville, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (5) Between Netcong, N.J., and Hackettstown, N.J.: From Netcong, N.J., over access roads to Interstate Highway 80, thence over Interstate Highway 80 to junction with New Jersey Highway 517, thence over New Jersey Highway 517 to Hackettstown, N.J., and return over the same route, serving no intermediate points, in connection with applicant's existing routes to and from New York, N.Y.; and (6) Between Montville, N.J., and Wayne, N.J.: From the junction of Hook Mountain Road and U.S. Highway 46 in Montville, N.J., over Hook Mountain Road and access roads to junction with Interstate Highway 80, thence over Interstate Highway 80 to Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109847 (Sub-No. 18) filed February 11, 1974. Applicant: BOSS-LINCO LINES, INC., Suite 450, One West Genesee Street, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Mansfield, Pa., and Baltimore, Md., in connection with carrier's authorized regular-route operations, serving no intermediate points, as an alternate route for operating convenience only; from Mansfield, over U.S. Highway 15 to Harrisburg, Pa., thence over Interstate Highway 83 to Baltimore, Md., and return over the same route; and (2) Between the junction of U.S. Highway 219 and Interstate Highway 80 near Du Bois, Pa., and Baltimore, Md., serving no intermediate points, as an alternate route for operating convenience only; From the junction of U.S. Highway 219 and Interstate Highway 80 over Interstate Highway 80 to its junction with U.S. Highway 15, thence over U.S. Highway 15 to Harrisburg, Pa., and thence over Interstate Highway 83 to Baltimore, Md., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 110525 (Sub-No. 1087) filed January 25, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Warren, Pa., to points in Ohio; and (2) *sodium nitrate*, dry, in bulk, in tank vehicles, from Norfolk, Va. to New York City, N.Y.

NOTE.—Applicant states that the requested authority can be tacked with 2 above, (a) at New York City, N.Y., to serve points in Connecticut, Rhode Island, and Massachusetts in Sub-No. 608, paragraph 367, which can be tacked at Springfield, Mass. in Sub-No. 619, paragraph 371, to serve points in Vermont, New Hampshire, and Maine; (b) at New York, N.Y., to serve points in Essex, Union, Bergen, Passaic, Morris, and Sussex Counties, N.J. in Sub-No. 809, paragraph 525 and 526; and (c) at the New York Commercial Zone, N.Y., to serve points in that part of New York on and south of a line beginning at the New York-Vermont State line, and extending along New York Highway 7 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line (except New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.), in Sub-No. 809, paragraph 527. If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 111383 (Sub-No. 38) filed January 2, 1974. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Houston, Tex. and Carthage, Tex.: From Houston over U.S. Highway 59 to junction U.S. Highway 259, near Nacogdoches, Tex., thence over U.S. Highway 259 to junction Texas Highway 315 at Mount Enterprise, Tex., thence over Texas Highway 315 to Carthage, and return over the same route; (2) Between Hempstead, Tex. and Austin, Tex.: From Hempstead, over U.S. Highway 290 to Austin, and return over the same route; (3) Between Jacksonville, Tex. and Fairfield, Tex.: From Jacksonville, over U.S. Highway 79 to junction U.S. Highway 84 at Long Lake, Tex., thence over U.S. Highway 84 to Fairfield, and return over the same routes; (4) between Fairfield, Tex. and Waco, Tex.: From Fairfield over U.S. Highway 84 to Waco, and return over the same route; (5) Between Round Rock, Tex. and Hearne, Tex.: From Round Rock over U.S. Highway 79 to Hearne, and return over the same route; (6) Between Hearne, Tex. and Buffalo, Tex.: From Hearne over U.S. Highway 70 to Buffalo, and return over the same route.

(7) Between Buffalo, Tex. and Long Lake, Tex.: From Buffalo, over U.S. Highway 79 to Long Lake, and return over the same route; (8) Between Alexandria, La. and Iowa, La.: From Alexandria over U.S. Highway 165 to junction Interstate Highway 10 near Iowa, La. and return over the same route; and (9) Between the junction of Texas Highway 12 and Interstate Highway 10 near Beaumont, Tex. and Alexandria, La., serving only the point of Alexandria, La.: From the junction of Texas Highway 12 and Interstate Highway 10 near Beaumont, Tex. over Texas Highway 12 to junction U.S. Highway 190 at Ragley, La., thence over U.S. Highway 190 to junction U.S. Highway 165 at Kinder, La., thence over U.S. Highway 165 to Alexandria, and return over the same route, in (1) through (9) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111383 (Sub-No. 39) filed January 30, 1974. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as ap-

plicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Holiday Industrial Park located in DeSoto County, Miss., as an off-route point in connection with carrier's regular route operations to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests is be held at Dallas, Tex.

No. MC 111397 (Sub-No. 103) filed February 11, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, and fertilizer material;* and (2) *urea*, from the facility of CF Industries, Inc., at or near Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112822 (Sub-No. 317) filed February 11, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectioneries, and related products* (except commodities in bulk); and (2) *advertising matter, premiums and display material* when shipped in mixed loads with (1) above, from Chicago, Ill. and its Commercial Zone, as defined by the Commission, to points in Arizona, Arkansas, California, Kansas, Missouri, Montana, New Mexico, Oklahoma, Oregon, Utah, and those points in Texas on and west of U.S. Highway 83.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 318) filed February 8, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dodge City, Kans., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Missouri, Indiana, Ohio, Kentucky, Michigan, Illinois, Minnesota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 319) filed February 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the Kitchens of Sara Lee, at Deerfield, Ill., to points in Alabama, Arkansas, Georgia, Idaho, Louisiana, Mississippi, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 269) filed February 4, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Falling Rock, W. Va., to points in Illinois, Iowa, and Missouri.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Elmore, Iowa to serve points in Minnesota. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 113908 (Sub-No. 302) filed February 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral spirits*, in bulk, from Bakersfield, Delano, Fresno, Lodi, and Madera, Calif., to points in Manandaigua, N.Y.; Patrick, S.C.; and Petersburg, Va.; (2) *alcoholic liquors*, in bulk, from the port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., to points in Cincinnati, Ohio; and (3) *alcoholic liquors and neutral citrus residue brandy*, in bulk, from Auburndale and Lake Alfred, Fla., to points in Burlingame, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 114211 (Sub-No. 218) (Clarification) filed January 10, 1974, published in the FEDERAL REGISTER issue of February 14, 1974, and republished as corrected this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines;* (7) *parts* of the above-described commodities when moving in mixed loads with such commodities; and (8) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above, between Lexington, Nebr., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, New York, Pennsylvania, West Virginia, Virginia, North Carolina, Michigan, South Carolina, Georgia, Florida, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, restricted to the transportation of traffic (a) originating at Lexington, Nebr., and destined to points in the above-named States or (b) originating at points in the above-named States and destined to Lexington, Nebr. (except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce).

NOTE.—The purpose of this republication is to indicate that portion of applicant's request for authority which was inadvertently omitted in the previous FEDERAL REGISTER publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114211 (Sub-No. 224), filed February 8, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery;* (2) *elevators;* (3) *conveyors;* (4) *mixer-mills;* (5) *tractors*, with or without attachments; (6) *self-propelled loaders;* (7) *wagons;* (8) *attachments*, for the commodities described in (1) through (7) above; and (9) *parts*, for the commodities described in (1) through (8) above, from Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment and supplies* (except commodities in bulk), used in

the manufacture and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii), to points in Davison County, S. Dak.

NOTE.—Applicant states that the requested authority can be tacked at points in the United States, to serve points in the United States. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Chicago, Ill.

No. MC 114273 (Sub-No. 161) filed January 21, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, N.E., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery equipment*, from Cedar Rapids, Iowa to points in the United States (except California, Alaska, Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Cedar Rapids, Iowa, to provide a through service from points in Nebraska and Iowa, on U.S. Highway 6 and 30, west of Cedar Rapids, Iowa, to those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 184) filed February 8, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories and materials and supplies* used in the manufacture and distribution of metal containers, container ends and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from Elwood, Ind., to Jackson, Tenn.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 114552 (Sub-No. 95) filed February 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and lumber mill products*, from the plant site of Champion International Corporation, located in Newberry County, S.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant states that the requested authority can be tacked at the plant site at Newberry, S.C., in the lead docket, to provide a through service from points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Connecticut, and the District of Columbia, to points in the destination states named above, and in Sub-No. 12, to provide a through service from Mississippi, Illinois, Indiana, Michigan, Massachusetts, and Rhode Island to those points in the above-named destination states. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, Columbia, S.C. or Washington, D.C.

No. MC 114632 (Sub-No. 68), filed February 11, 1974. Applicant: APPLE LINES, INC., 212 Southwest Second, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick, Box 507, Madison, S. Dak. 57402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by packinghouses* (except hides and commodities in bulk), (1) from York, Nebr., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin; and (2) from Fargo, N. Dak., Omaha, Nebr., and Sioux City, Iowa, to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC-129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115840 (Sub-No. 95), filed January 2, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except in bulk), from Port Bienville, located at or near Pearlington, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and Texas (except Birmingham and Mobile, Ala., and points on the Mississippi and Tennessee Rivers located in Alabama, Louisiana, Mississippi, and Tennessee as already authorized); and (2) *non-ferrous metal articles* (except in bulk), from Port Bienville, located at or near Pearlington, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and Texas, restricted in parts (1) and (2) to traffic originating at, and destined to, the named points, and/or having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116519 (Sub-No. 21) (amendment), filed January 3, 1974, published in the FEDERAL REGISTER issue of February 22, 1794, and republished as amended this issue. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* (except tractors), *machinery, attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Dewitt, Ark.; Quincy, Litchfield, Compton, Taylorville, Morton, Galesburg, Kankakee, De Kalb, Eureka, and Morton, Ill.; Goshen, Mishawaka, Lucerne, Columbia City, Freeman, Peru, Richmond, and Shelbyville, Ind.; Cedar Rapids, Oelwein, Ames, Clarion, Davenport, Waterloo, Cedar Falls, Conrad, and Graettinger, Iowa; Clay Center, Dodge City, Garden City, Hesston, Holton, Hutchinson, Kansas City, Fulton, and Salina, Kans.; Worcester, Mass.; Holland, Mich.; Albert Lea, Benson, Willmar, Long Lake, Windom, and Mankato, Minn.; Holden and Kansas City, Mo.; Columbus and Lexington, Nebr.; Batavia and Binghamton, N.Y.; Ada, Bowling Green, Cleveland, Hillsboro, Willard, and Mansfield, Ohio; Tonkawa, Okla.; Centre Hall and Green Castle, Pa.; Tarboro, N.C.; Bennettsville, S.C.; Watertown, S. Dak.; Memphis, Tenn.; Allenton, Appleton, New Holstein, Pound, and Manitowee, Wis.; and Cheriton, Va., to ports of entry along the International Boundary line between the United States and Canada located in Michigan, New York, Vermont, and Maine.

(2) (a) *New tractors* (except tractors designed primarily for the hauling of goods on the highway), (b) *wheeled vehicles* (except automobiles, commercial motor vehicles and trailers designed primarily for the carriage of goods on the highway), (c) *agricultural machinery and agricultural implements* (except hand implements), (d) *self-propelled industrial and construction machinery*, and (e) *parts and attachments* for the above goods, provided that the same may only be carried when their transportation is the same transportation of the goods described in (a), (b), (c), and (d) inclusive above, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to points in the United States (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted against traffic originating at Toronto, Brantford, and Hamilton, Ontario, Canada (except for shipments from those points having a prior movement by water, rail, or motor carrier); and, (3) *riding tractors and attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Cleveland and Willard, Ohio, and Richmond, Ind., to ports of entry along the International Boundary line between the United States and Canada located at points in Michigan and New York, restricted to the transportation of traffic moving in foreign commerce.

NOTE.—The purpose of this republication is to indicate the amended requests for authority as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116947 (Sub-No. 29), filed February 4, 1974. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile: Clay or earthenware, encaustic, wall tile and floor tile, with or without backing*, in cartons, NOIBN, and *ceramic tile bath accessories*, from Morrisville, Pa., to points in Birmingham, Ala.; Orlando, Fla.; Atlanta, Scottsdale, and Savannah, Ga.; Cleveland and Jackson, Miss., under a continuing contract with Robertson-American Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 495), filed January 23, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, Glassware, and closures*, from the plantsite and warehouse facilities of Owens-Illinois, Inc., located at or near Vineland, Bridgeton, and Glassboro, N.J., and Toledo, Ohio, to points in California, Oregon, Washington, Arizona, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Louisiana.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 117551 (Sub-No. 6), filed January 21, 1974. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, Colo. 80204. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture and television film and theatre supplies*, (A) Between Denver, Colo., and Grand Junction, Colo.: (1) From Denver, over Interstate Highway 25 and/or U.S. Highway 285 to junction U.S. Highway 50, thence over U.S. Highway 50 to Grand Junction, and return over the same routes serving all points on U.S. Highway 50 West of the Continental Divide and serving the off-route point of Telluride, Colo.; and (2) From Denver over U.S. Highways 6 and 40 and Interstate Highway 70, thence over U.S. Highways 6 and 40 and Interstate Highway 70 to Grand Junction and return over the same route, serving all points on U.S. Highway 6 and Interstate Highway 70 West of the Continental Divide and the off-route points of Leadville, Breckenridge, Minturn, and Aspen, Colo.; (B) Between Denver, Colo., and Craig, Colo.: From Denver over U.S. Highway 6 and Interstate Highway 70 to junction U.S. Highway 40, thence over U.S. Highway 40 to Craig, and return over the same route, serving the intermediate points of Granby and Steamboat Springs, Colo., and the off-route point of Central City, Colo.; and (C) between Denver, Colo., and U.S. Highways 40 and 281: From Denver over U.S. Highway 40 to junction U.S. Highway 281 and return over the same route serving all intermediate points in Kansas, and all points in Kansas west of U.S. Highway 281 as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117686 (Sub-No. 145), filed February 4, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen potatoes and frozen potato products) from the plant site and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Texas, Oklahoma, Louisiana, Mississippi, Arkansas, Alabama, Arizona, California, Florida, Nevada, New Mexico, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 117940 (Sub-No. 108), filed February 4, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Logs of compressed wood, bark, or sawdust; paper and paper products, and pulpboard;* and *furniture rounds, wooden turned, finished or unfinished*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia and *returned shipments* to Plymouth, N.C.; and (b) *wood pulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub-No. 1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117972 (Sub-No. 4), filed January 21, 1974. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, N.Y. 14571. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY. 14202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in New York on and west of Interstate Highway 81 (except Binghamton, N.Y.), on the one hand, and, on the other, points within Ohio, Pennsylvania, Virginia, West Virginia, and Maryland in the territory bounded as follows: Beginning at Avon Lake, Ohio, thence along Ohio Highway 83 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to junction Interstate Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the New York-Pennsylvania State Boundary line, thence along the New York-Pennsylvania State Boundary line to Lake Erie, thence along the shore of Lake Erie to Avon Lake, Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority as follows: In the lead docket, on frozen fruits, frozen berries and frozen vegetables, at points in that portion of New York lying west of a line beginning at the New York-Pennsylvania State Boundary line and extending along U.S. Highway 11 to the junction of New York Highway 57 at Syracuse, N.Y. and thence along New York Highway 57 to Oswego, N.Y.: (1) To provide a through service from those points named above to Kearny, N.J.; Philadelphia, Pa.; and Boston, Mass.; and (2) to provide service between those points named above, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone; in Sub-No. 1: (1) On frozen agricultural commodities, fish and meats, at Waterport, Ithica, Elmira, Rochester, and Syrcause, N.Y., to provide service between those points named above, on the one hand, and, on the other, Jersey City, N.J., and Boston, Mass., and (2) on food products, at Waterport, N.Y., to provide service between those points named above, on the one hand, and, on the other, Vineland, Bridgeton, and Newark, N.J.; Philadelphia, Pa.; and Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at Buffalo N.Y.

No. MC 118610 (Sub-No. 21), filed February 11, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, 1213 South Main St., Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals*, between points in the United States (except Alaska and Hawaii), re-

stricted to service for the account of Aluminum Services, Inc.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Frankfort, or Louisville, Ky.; Cincinnati, Ohio; or Nashville, Tenn.

No. MC 119626 (Sub-No. 9), filed December 28, 1973. Applicant: ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo.; Springfield and Chicago, Ill., to points in Arizona, Nevada, and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119641 (Sub-No. 119), filed February 8, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, (1) from Baltimore, Md., and Philadelphia, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) from Baltimore, Md., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119702 (Sub-No. 43) (Clarification), filed January 8, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as clarified this issue. Applicant: STAHLY CARTAGE CO., a Corporation, P.O. Box 486, 130A Hillsboro Ave., Edwardsville, Ill. 62025. Applicant's representative: Jeff S. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, (1) from the plantsite and storage facilities of the Dow Chemical Company, at Pevely, Mo.; and (2) from the plantsite and storage facilities of the Dow Chemical Company located at points in Channahon Township, Will County, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin, restricted to shipments originating at and destined to the points named above.

NOTE.—The purpose of this republication is to more clearly indicate the origin in (2) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., Chicago Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 285), filed January 21, 1974. Applicant: LIGON SPECIALIZED HAULER, INC. (JOHN C. RYAN, TRUSTEE), P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, lumber, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties*, from points in Louisiana, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant holds contract carrier authority under MC 126970 Subs 1 and 3, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in Louisiana, to provide a through service to those points in the United States, for which service has not been authorized within the scope of the named authority: (1) In lead certificate from points in Muhlenberg County, Ky.; (2) in Sub 7 from points in Logan County, Ky.; (3) in Sub 217, from points in Mississippi; (4) in Sub 176, from Jackson, Tenn.; and (5) in Sub 180 from Paris, Ill. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120736 (Sub-No. 4), filed February 15, 1974. Applicant: STROTHMAN EXPRESS, INC., 2735 Spring Grove Ave., Cincinnati, Ohio 45225. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require the use of special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant seeks by this application to convert its Permit in MC 120736 (Sub-No. 1), into a Certificate of Public Convenience and Necessity. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121318 (Sub-No. 12), filed January 30, 1974. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161. Applicant's representative: Harold G. Hernly, Jr., 118 North Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation located at or near Lackawanna, N.Y., to points in Ohio.

NOTE.—Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 123048 (Sub-No. 279), filed February 11, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 Twenty-First Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment;* and (2) *attachments* for (1) above; and *parts* for (1) and (2) above, from Pepin, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 123048 (Sub-No. 293), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery;* (2) *elevator;* (3) *conveyors;* (4) *mixer-mills;* (5) *tractors*, with or without attachments; (6) *self-propelled loaders;* (7) *wagons;* (8) *attachments*, for the commodities described in (1) through (7) above; and (9) *parts*, for the commodities described in (1) through (8) above, from points in Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the above named commodities, from points in the United States (except Alaska and Hawaii), to points in Davison County, S. Dak.

NOTE.—Applicant states that the requested authority can be tacked at points in Davison County, S. Dak., with (A) above, to provide a through service to points in the United States (except Alaska and Hawaii), from: Charles City, Iowa, on Item No. 30, Des Moines, Iowa, on Item No. 31; Shelbyville, Ill., and South Bend, Ind., on Item No. 34; the plantsite and warehouse facilities of Smalley Manufacturing Company, located at Manitowoc, Wis., on Item No. 111; Osseo, Wis., on Item No. 98; Hernando, Miss., on Item No. 150, and the plantsite and storage facilities of Kasten Manufacturing Corp., located at Allenton, Wis., and Menomonie, Wis., on Item No. 157, and (B) above, to serve Charles City, Iowa, on Item No. 30 transporting rejected shipments. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 294), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martin-

son (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, and implements;* (2) *loaders;* (3) *attachments and accessories* for (1) and (2) above; and (4) *parts*, for (1), (2) and (3) above, from Madison, S. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked at Madison, S. Dak., to provide a through service to points in the United States (except Alaska and Hawaii) from: Charles City, Iowa, on Item No. 30; Des Moines, Iowa, on Item No. 31; Shelbyville, Ill., and South Bend, Ind., on Item No. 34; Osseo, Wis., on Item No. 98; the plantsite and warehouse facilities of Smalley Manufacturing Company, located at or near Manitowoc, Wis., on Item No. 111; Hernando, Miss., on Item No. 150; and the plantsite and storage facilities of Kasten Manufacturing Corp., located at or near Allenton and Menomonie, Wis., on Item No. 157. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 295), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), from Baltimore, Md., and Philadelphia, Pa., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124078 (Sub-No. 581), filed February 4, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lebanon, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority under MC-113832 Sub-68, therefore dual operations may be involved also. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 124230 (Sub-No. 19), filed February 4, 1974. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore and concentrates*, (a) between points in Grand County, Utah, on the one hand, and, on the other, points in Garfield, Mesa, Delta, Montrose, and San Miguel Counties, Colo.; El Paso, Tex.; and points in Arizona; and (b) between points in Garfield, Mesa, and Delta Counties, Colo., on the one hand, and, on the other, El Paso, Tex., and points in Arizona; (2) *mining and milling equipment and supplies*, from points in Arizona, New Mexico, Grand County, Utah, and El Paso, Tex., to points in Garfield, Mesa, Delta, Montrose, and San Miguel Counties, Colo., and Grand County, Utah; and (3) *clay, sand, gravel, shale and aggregates*, in bulk, between points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Texas, Utah, and Albany County, Wyo.

NOTE.—Applicant states that the requested authority can be tacked at San Miguel County, Colo., for ore and concentrates authority, to provide service between points in San Juan County and specific points in Ouray, Dolores, La Plata, and Hinsdale Counties, Colo., on the one hand, and, on the other, points in Grand County, Utah. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124236 (Sub-No. 66), filed February 14, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Alabama, Colorado, Florida, Georgia, Kansas, Mississippi, Missouri, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No MC 123255 (Sub-No. 40), filed February 7, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wayland, Mich., to points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, New York, Ohio, Pennsylvania, Tennessee, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-81968 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125035 (Sub-No. 31) (Amendment), filed January 7, 1974, published in the FEDERAL REGISTER issue of March 7, 1974 and republished as amended this issue. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food preparations, foodstuffs* (except meat and meat by-products), *empty shipping containers, and wooden sticks*, used for frozen desserts and ice confections (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between Toledo, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, District of Columbia, West Virginia, Wisconsin, and points on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, Maine, and New Hampshire, under a continuing contract or contracts with Vroman Foods, Inc.

NOTE.—The purpose of this republication is to amend the commodity description as stated herein. If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio.

No. MC 125035 (Sub-No. 32), filed January 7, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food preparations, and foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, between Massilon, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Baltino Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Canton or Cleveland, Ohio.

No. MC 127721 (Sub-No. 2), filed February 5, 1974. Applicant: DEPENDABLE DELIVERY SERVICE, INC., 522 Twin Oaks Drive, Havertown, Pa. 19083. Applicant's representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail stores and mail-order houses*, between Philadelphia, Langhorne, and King of Prussia, Pa., and Pennsauken and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Cumberland, Delaware, Dauphin, Lancaster, Lebanon, Lehigh, Montgomery, North-

hampton, and Philadelphia Counties, Pa., under continuing contract or contracts with Westinghouse Electric Corporation at Columbus, Ohio, and Serta Mattress Co., at Pennsauken, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127834 (Sub-No. 100), filed February 13, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Continental Steel Corporation at Kokomo, Ind., to points in Virginia, Tennessee, Alabama, and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128497 (Sub-No. 17), filed February 4, 1974. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and frozen berries*, from points in Michigan on and west of U.S. Highway 131, to New Hampton, Mason City, Bettendorf, Cedar Rapids, Des Moines, Dubuque, Iowa City, Fort Dodge, and Waterloo, Iowa; and Chicago and Deerfield, Ill.

NOTE.—Applicant holds contract carrier authority in MC–124807 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129350 (Sub-No. 39), filed February 4, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, in tank vehicles), from New Castle, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 129645 (Sub-No. 52), filed February 4, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged materials* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plant sites and warehouse facilities of D & B Distributors located at or near Iron Mountain, Mich., and Iron Mountain Freight Sales located at or near Kingsford, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at those origin points named above to provide a through service from points in the United States to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 129645 (Sub-No. 53), filed February 4, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, faced or finished with decorative and protective materials and *accessories and supplies*, from the plant site and warehouse facilities of the Masonite Corporation located at Bloomington, Minn., to points in Wisconsin and the Upper Peninsula of Michigan.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in the Upper Peninsula of Michigan, (a) in Sub-No. 14 to serve points in Kansas and Nebraska; and (b) in Sub-No. 22 to serve points in Alabama, Connecticut, Florida, Georgia, Iowa, Louisiana, Minnesota, Mississippi, South Carolina, and Wisconsin; and at Phillips, Wis., (a) to serve points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (b) in Sub-Nos. 26 and 34 to serve points in Nebraska, North Dakota, South Dakota, California, Idaho, Nevada, Utah, and Washington. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 129910 (Sub-No. 6), filed February 4, 1974. Applicant: PORT OF NEW YORK EXPRESS CO., INC., 145 Morgan Street, Jersey City, N.J. 07302. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheetings, chemical resins, textile and paint chemicals, and cameras, optical instruments and accessories* therefore (except commodities in bulk), between points in the New York, N.Y., Commercial Zone, as defined in 84 M.C.C. 747, on the one hand, and, on the other, West Caldwell, N.J., under a continuing contract or contracts with Marubeni America Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 133566 (Sub-No. 37), filed February 7, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed frozen foods*, from the plantsite and storage facilities utilized by Orchard Hill Farms, Inc., located at Red Hook, N.Y., to points in Ohio, Michigan, and West Virginia, restricted to traffic originating at the above-named facilities (excluding commodities in bulk).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133566 (Sub-No. 38) filed February 7, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation at or near Wellston, Ohio, to points in New York, New Jersey, Massachusetts, Pennsylvania, Connecticut, West Virginia, Maryland, District of Columbia, Rhode Island, New Hampshire, Maine, and Vermont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 134467 (Sub-No. 9) filed February 6, 1974. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tulsa, Okla., to points in New York, New Jersey, Maryland, Pennsylvania, Massachusetts, Florida, and Georgia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 134477 (Sub-No. 55), filed February 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* in cartons, from the plantsite and storage facilities of Northern Star Company at or near Minneapolis, Minn., to points in Delaware, Maryland, New Jersey, New York,

Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 5), filed February 5, 1974. Applicant: EDWARDS BROS., INC., 1875 North Holmes, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from the facilities of the Missouri Beef Packers, Inc., a corporation at or near Boise (Ada County), Idaho, to points in California, Oregon, Washington, Nevada, Arizona, Utah, and Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho; Salt Lake City, Utah; or Boise, Idaho.

No. MC 134599 (Sub-No. 104), filed February 4, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear and rubber products and materials, equipment and supplies* used in the manufacture thereof (except commodities in bulk, or which because of size or weight require special handling or special equipment), between Farmville, Va., on the one hand, and, on the other, points in Connecticut, and Ohio, under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134599 (Sub-No. 105), filed February 15, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a Division of Mattel, Inc., and *materials, parts and supplies* used in the manufacture of these items (except commodities in bulk or which, because of size and weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in California, Oregon, and Washington, under continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 106) filed February 11, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a Division of Mattel, Inc., and *Materials, parts and supplies* used in the manufacture of these items (except commodities in bulk, or those which because of size or weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, under a continuing contract or contracts with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134645 (Sub-No. 9) filed January 28, 1974. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 124071 and Sub-No. 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 135072 (Sub-No. 5) filed October 2, 1973. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, P.O. Box 122, North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, in bulk, and equipment utilized in the application of asphalt*, between points in Allegany, Cattaraugus, Chautauque, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, and Wyoming Counties, N.Y., on the one hand, and, on the other, points in Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango, and Warren Counties, Pa.; (2) *materials and supplies used in the manufacture of asphalt products*, from Lafayette, Ind.; Carlstadt, N.J.; Marietta, Ohio; Canton, N.C.; and Nitro, W. Va., to Buffalo, N.Y., and (3) *returned shipments*, from Buffalo, N.Y., to Nitro, W.Va.; Canton, N.C., Marietta, Ohio; Carlstadt, N.J.; and Lafayette, Ind., under contract with Allied Bitumens, Inc., at Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136915 (Sub-No. 5) filed January 28, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4255 South 2nd West Street, Salt Lake City, Utah 84107. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, under contract with Missouri Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Boise, Idaho.

No. MC 138126 (Sub-No. 2), filed February 4, 1974. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen foodstuff*, (1) from Salisbury, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, the District of Columbia, and points in Tennessee on and east of U.S. Highway 127, and (2) from Downingtown, Pa., to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont; and (b) *materials, supplies, and equipment* used in the manufacture and distribution of frozen foodstuff, from the aforesaid destinations in (1) and (2) above to Salisbury, Md., on return, restricted such that service at Downingtown, Pa., shall be limited to partial pick up of shipments with traffic originating at Salisbury, Md., for movement to points in Item (2), and further restricted to traffic originating at and destined to the points named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138313 (Sub-No. 7) (Correction) filed January 14, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, and republished, as corrected, this issue. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, from points in Tooele County, Utah, to points in Montana; (2) *brick, tile and clay products*, from points in Morton County,

N. Dak., to points in Montana and Wyoming; (3) *concrete and pumice block*, from points in Montana, to points in Wyoming; (4) *brick, tile, clay products, stone, concrete products, and materials and supplies* used in the installation, and application thereof, from points in Montana, to points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada; (5) *lumber, lumber mill products, asphalt, asphalt products and fiberboard*, from points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada, to points in Washington, Oregon, Idaho, Montana, and North Dakota restricted against the transportation of commodities originating in British Columbia.

(6) *Building materials, gypsum and gypsum products, and materials and supplies* used in the installation and application thereof, from the plantsite or storage site of the United States Gypsum Company at Heath, Mont., to points in Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming; (7) *gypsum wallboard*, from the facilities of Georgia Pacific Corporation at or near Lovell, Wyo., to points in North Dakota and South Dakota; and (8) *brick, tile, clay products, stone and concrete products* (except commodities in bulk) from ports of entry on the International Boundary line between the United States and Canada located in Idaho, Montana and North Dakota, to points in Washington, Oregon, Idaho, Montana, North Dakota, Wyoming, Colorado, and Utah.

NOTE.—The purposes of this republication are: (A) to include the authority described in (6) through (8) above, and (B) to correctly indicate that applicant seeks conversion of its Permits in MC 126780 (Sub-Nos. 3, 7 and 9) to Certificates of Public Convenience and Necessity, as it pertains to (6) through (8) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138375 (Sub-No. 11) (Amendment), filed December 6, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except hides, skins, and commodities in bulk), from St. Joseph, Mo., to points in Pennsylvania, New York, Ohio, and Maryland, under contract with Dugdale Packing Company.

NOTE.—The purpose of this republication is to indicate the commodity exceptions listed above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 138743 (Sub-No. 5) filed February 15, 1974. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at Hillsboro, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Ohio, and Oklahoma, under contract with Certain-Teed Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138807 (Sub-No. 2), filed February 5, 1974. Applicant: TOM ALEXANDER, doing business as TOM ALEXANDER & SON, P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power tools, stands;* (2) *electric motors;* and (3) *industrial vacuum cleaners*, from the plantsite and warehouse facilities of Rockwell International, at Tupelo, Miss., to points in Arizona, California, New Mexico, Oregon, Utah, and Washington, under contract with Rockwell International.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 138844 (Sub-No. 1), filed February 4, 1974. Applicant: GAS INCORPORATED, 95 E. Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John R. Sims, Jr., 1707 "H" Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas* (LNG), between points in the United States (except Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 129870 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138869 (Sub-No. 4) (Amendment), filed January 7, 1974, published in the FEDERAL REGISTER issue of February 14, 1974, and republished as amended this issue. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a Corporation, 4481 Moreland Avenue, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene waste* (except in bulk), from Hazlehurst, Nashville, and Bainbridge, Ga., to points in Cleveland, Ohio, Ypsilanti, Mich., and Buffalo, N.Y., under contract with Patchogue-Plymouth Company, Hazlehurst, Ga., and Charles Pollock & Sons, Inc., Cleveland, Ohio.

NOTE.—The purpose of this republication is to add Buffalo, N.Y., as a point of destination. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139084 (Sub-No. 1), filed February 11, 1974. Applicant: BIG VALLEY SUPPLY & ENTERPRISES LTD., 4150 F–14A Street SE., Calgary 25, Alberta Canada. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight require the use of special equipment or handling; *self-propelled articles* (except automobiles, trucks, and buses), *construction, industrial and materials handling machinery and equipment* and *parts, materials, equipment, supplies, and attachments* for and used in connection with the above-described commodities, between points in the United States (except Hawaii), on the one hand, and, on the other, all ports of entry on the International Boundary line between the United States and Canada, including all ports of entry on the International Boundary line between the State of Alaska and Canada, restricted to traffic having an immediate prior or subsequent movement in foreign commerce.

NOTE.—Applicant holds contract carrier authority in MC 133599 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 139112 (Sub-No. 1), filed January 31, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air distribution products*, (1) between the plant sites of Anemostat Products Division, Dynamics Corporation of America, located at or near Scranton, Pa., and Los Angeles, Calif.; (2) from the plant site of Anemostat Products Division, Dynamics Corporation of America at Scranton, Pa., to Salt Lake City, Utah, San Francisco, Calif., Seattle, Wash., and Portland, Oreg.; and (3) from the plant site of Anemostat Products Division, Dynamics Corporation of America at Scranton, Pa., to job and construction sites in California (except Los Angeles and San Francisco).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139140 (Sub-No. 2), filed January 7, 1974. Applicant: M. D. SCHMITT TRANSPORT, INC., 913 First Street, West, Independence, Iowa 50644. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Hides, skins, switches, and tails,* from Dubuque, Manchester, and Tama, Iowa, to points in Colorado, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted against the transportation of hides from Manchester, Iowa, to Chicago, Ill., Milwaukee and Fond du Lac, Wis., Detroit Mich., and Newark, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139178 (Sub-No. 1), filed January 27, 1974. Applicant: REAL LAVOIE, 28 Frontenac Street, Coaticook, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and wood products,* from those Ports of Entry on the International Boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and New York, to points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Rhode Island, and the District of Columbia, under a continuing contract or contracts with Ferman Lumber, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 139350 (Sub-No. 1), filed February 4, 1974. Applicant: JORDAN SAND AND GRAVEL CO., INC., 1300 West 32nd, Route 3, Sedalia, Mo. 65301. Applicant's representative: Luther Jordan (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Barytes ore* (crude barium sulfate), in bulk, in dump vehicles, from points in Benton, Camden, Franklin, Hickory, Jefferson, Miller, Morgan, and Washington Counties Mo., to the plant site of Sherwin Williams Company, located at or near Coffeyville, Kans., under a continuing contract or contracts with Sherwin Williams Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Jefferson City, or St. Louis, Mo.

No. MC 139465, filed December 21, 1973. Applicant: THE MARCUS PAPER COMPANY, a Corporation, 93 Wood Street, West Haven, Conn. 06516. Applicant's representative: Gerald E. Marcus, 2531 Whitney Avenue, Hamden, Conn. 06518. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Rags,* from Springfield, Mass., Poughkeepsie, N.Y., Hartford, Bridgeport, New Haven, and West Haven, Conn., Providence, R.I., to Scranton, and Philadelphia, Pa.; Brooklyn, Ozone Park, and Garden City, N.Y., under contract with Excellent Clothing Export Company Inc., Max Starkerman Rag Dealer, Cono T. Zunno, Murachanian Export Co., Inc., and Scranton Wiping Cloth Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or New Haven, Conn.

No. MC 139476 (Correction), filed January 22, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, as No. MC–139496, and republished as corrected this issue. Applicant: TWIN RIVERS TRANSPORT, INC., P.O. Box 709, Wallace, Idaho 83873. Applicant's representative: Alden Hull (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Mine, mill, smelter, and refinery machinery, equipment and supplies, ore and ore concentrates, metals, chemicals, petroleum products* in packages, *coal, coke, quarried, and rock products,* and *containers* when the foregoing commodities are moving therein, between points in Washington, Oregon, Idaho, California, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nevada, and Alaska under contracts with The Bunker Hill Company of Kellogg, Idaho, Helca Mining Company of Wallace, Idaho, and American Smelting and Refining Co. of Wallace, Idaho.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in No. MC–139476. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139516, filed February 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers and distributors of panels, paneling, shelving, mantels, and beams, and related decorative items (except commodities in bulk), from Lodi, N.J., and Deer Park, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139540, filed February 6, 1974. Applicant: TOM E. TUCKER, 1C18 Grace, Spokane, Wash. 99205. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment;* and (2) *parts, supplies, and accessories for machinery and equipment,* between points in Spokane County, Wash., and the ports of entry on the International Boundary line between the United States and Canada, located at or near Eastport, Idaho, restricted to the transportation of traffic having a prior or subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Spokane or Seattle, Wash., or Portland, Oreg.

No. MC 139542, filed February 4, 1974. Applicant: HUGH O'REILLY, 5190 Houston Road, Macon, Ga. 31206. Applicant's representative: T. Baldwin Martin, P.O. Box 4987, 700 Home Federal Building, Macon, Ga. 31208. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cow hides,* in van refrigerated trailers, in bulk, from G. Bernd Company in Macon, Ga., to points in Houston, Laredo, Brownsville, and Galveston, Tex., Milwaukee, Wis., and Boston, Mass., under contract with G. Bernd Company, Macon, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 139543, filed February 4, 1974. Applicant: MOLASSES TRANSPORTERS, INC., 1865 North Foster Drive, Baton Rouge, La. 70806. Applicant's representative: James R. Coxe, Jr. (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Flour, bulk, packaged, and sacked flour,* from Port Allen, La., to points in Louisiana, Mississippi, Alabama, Texas, and Florida, under contract with Seaboard Allied Milling Corporation, Port Allen, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 192), filed February 4, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange on the New Jersey Turnpike, serving the intermediate points between the Newark-Jersey City Interchange and the New Brunswick Interchange, including said Interchanges and serving Interchange No. 5 as an intermediate point in connection with carrier's authorized regular route operations between the Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange on the New Jersey Turnpike: From Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange and return over the same route, restricted against the transportation of any traffic originating in New York, N.Y., destined to Newark, N.J., or

originating in Newark, N.J., destined to New York City, N.Y., except on carriers' intercity schedules which neither originate nor terminate at a point in New Jersey, and further restricted against transportation from or to Interchange No. 5 of the New Jersey Turnpike, which originates at or is destined to Philadelphia, Pa., or New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 1515 (Sub-No. 193), filed February 14, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: R. M. Hannon, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between the junction of U.S. Highway 91 and Interstate Highway 15, at Littlefield, Ariz., and St. George, Utah: From the junction of U.S. Highway 91 and Interstate Highway 15, over Interstate Highway 15 to junction of Interstate Highway 15 and Bluff Street, thence over Bluff Street to St. George, Utah.

NOTE.—Common control may be involved. Applicant presently holds the requested authority in MC 1515, Deviation No. 667. Applicant will cancel Deviation No. 667 concurrently with the granting of this requested authority. If a hearing is deemed necessary, the applicant requests it be held at St. George, Utah.

No. MC 139343 (Sub-No. 2) (Correction), filed December 17, 1973, published in the FEDERAL REGISTER issue of February 14, 1974, as No. MC-139451, and republished as corrected this issue. Applicant: MEXICOACH, INC., 1050 Kettner Ave., San Diego, Calif. 92101. Applicant's representative: Frederick J. Kling, 1901 Avenue of the Stars No. 1600, Los Angeles, Calif. 90066. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between the Amtrak Depot, San Diego and the Port of Entry on the International Boundary line between the United States and the Republic of Mexico located at or near San Ysidro, Calif.: From the Amtrak Depot in San Diego at Broadway and Kettner east over Broadway to junction N. India Street, thence east over N. India Street to the southern approach to Interstate Highway 5, thence over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving no intermediate points, restricted to the transportation of passengers and their baggage having a prior or subsequent transportation by rail only.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in No. MC-139343 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Diego, Calif.

No. MC 125570 (Sub-No. 4), filed January 2, 1974. Applicant: WHITIES TRANSPORTATION, INC., P.O. Box 34, Siren, Wis. 54872. Applicant's representative: George W. Benson, P.O. Box 33, Siren, Wis. 54872. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Des Plaines, Ill., and Hayward, Wis.; from Des Plaines over Interstate Highway 90 to Madison, Wis., and junction Interstate Highway 94, thence over Interstate Highway 90-94 to Osseo, Wis., and junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Hayward and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at an unspecified point in Wisconsin or Minnesota.

BROKER APPLICATION

No. MC 130229, filed January 21, 1974. Applicant: LEANDER E. TUTTLE, doing business as TRUCK TRANSPORTATION SERVICES OF MAINE, Leander's Motel, Route No. 1, Presque Isle, Maine 04769. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Presque Isle, Maine, to sell or offer to sell to common motor carrier service, the transportation of *fresh, frozen, and processed fruits, vegetables and potato products*, (1) from points in Arrostook County, Maine; (2) from points of entry on the International Boundary between the United States and Canada, located in Maine; and (3) from Portland, Maine, to points in the United States (except Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bangor or Portland, Maine.

WATER CARRIER APPLICATIONS

No. W-1263 Sub-4, filed March 5, 1974. Applicant: NEW ENGLAND STEAMBOAT LINES, INC., Steamboat Landing, Haddam, Conn. 06438. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers*, in round-trip scheduled excursion cruises between Middletown, Haddam, Chester, Essex, East Haddam, Deep River, and Old Saybrook, Conn., on the one hand, and, on the other, Sag Harbor, N.Y. (ports or points on the Connecticut River and/or Long Island Sound).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford or Middletown, Conn.

No. W-1275, filed February 19, 1974. Applicant: HOVERTRANSPORT, INC., 955 Main Street, Bridgeport, Conn. 06604. Applicant's representative: Robert J. Weldon, 164 Seaside Avenue, Bridgeport, Conn. 06605. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier by water* in the transportation of *passengers* in regular and charter operations along the Long Island Sound at points in Connecticut and New York and along the East River at points in New York as follows: Between Bridgeport and Stamford (Long Island Sound), Conn., and Rye (Long Island), Northport (Long Island), Glen Cove (Long Island), 60th St. Heliport (East River), 34th St. Heliport (East River), South Street Seaport (East River), Downtown Manhattan Heliport (East River), and LaGuardia Airport (East River), N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6454 Filed 3-20-74;8:45 am]

[Amdt. 1; Twelfth Revised Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that the Commission, on March 6, 1974, issued Service Order No. 1174 applicable to all plain boxcars owned by the following railroads:

Atlantic and Western Railway Company
Pickens Railroad Company
Richmond, Fredericksburg and Potomac Railroad Company
Roscoe, Snyder and Pacific Railway Company
Vermont Railway, Inc.
Wellsville, Addison & Galeton Railroad Corporation

that the provisions of Service Order No. 1174 contain similar provisions applicable to these cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the provisions of Twelfth Revised Exemption No. 12 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 are hereby suspended until further order of this agent.

Effective: March 10, 1974.

Issued at Washington, D.C., March 6, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-6584 Filed 3-20-74;8:45 am]

[Twelfth Revised Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for

shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Company Reporting marks: ATW
* * *
* * *
*Pickens Railroad Company Reporting marks: PICK
Richmond, Fredericksburg and Potomac Railroad Company Reporting marks: RFP
Roscoe, Snyder and Pacific Railway Company Reporting marks: RSP
Vermont Railway, Inc. Reporting marks: Rut or VTR

Wellsville, Addison & Galeton Railroad Corporation Reporting marks: WAG

Effective March 1, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 1, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-6585 Filed 3-20-74;8:45 am]

[AB-77]

BANGOR AND AROOSTOOK RAILROAD CO.

Abandonment Between Monticello and Bridgewater, Maine

MARCH 18, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321), et seq., and good cause appearing therefore:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Aroostook County, Maine, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

BANGOR AND AROOSTOOK RAILROAD COMPANY ABANDONMENT BETWEEN MONTICELLO AND BRIDGEWATER, MAINE

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has been determined that the proposed abandonment by the Bangor and Aroostock Railroad Company between Monticello and Bridgewater, Aroostock County, Maine, a distance of 10.11 miles, if approved by the Commission, does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321, et seq.), and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that abandonment of this portion of the line will have little if any effect on the area's economy. The railroad will leave the right-of-way intact for possible future use for passenger or freight rail service. In addition, there is a possibility that the right-of-way will be used for the present as a snowmobile trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 5, 1974.

[FR Doc.74-6583 Filed 3-20-74;8:45 am]

[Exemption No. 65]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that there is an emergency movement of military supplies from Ft. Estill, Kentucky, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Louisville and Nashville Railroad Company, the railroads designated by the Car Service Division are authorized to move to, and the Louisville and Nashville Railroad Company is authorized to accept, assemble, and load not to exceed one hundred (100) empty cars with military supplies from Ft. Estill, Kentucky, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective: March 1, 1974.

Expires: March 15, 1974.

Issued at Washington, D.C., March 1, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-6586 Filed 3-20-74;8:45 am]

[Notice 47]

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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 20, 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-74984. By order entered March 14, 1974, the Motor Carrier Board approved the transfer to Joseph F. Principe, doing business as Two Nation Tourism, Niagara Falls, N.Y., of the operating rights set forth in Certificate No. MC-116670, issued June 23, 1959, to Niagara Treasure Tours, Inc., Niagara Falls, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between April 15

*Addition.
***Chicago & Illinois Midland Railway Company and The La Salle and Bureau County Railroad Company eliminated.

and November 1, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof, and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y. Ralph A. Boniello, 770 Main Street at Cedar Ave., Niagara Falls, N.Y. 14301, attorney for applicants.

No. MC-FC-74996. By order of March 15, 1974, the Motor Carrier Board approved the transfer to Mid-Atlantic Transportation Co., a corporation, Elizabeth, N.J., of a portion of the operating rights in Certificate No. MC-135127 issued March 25, 1971, to Green Brook Transportation Co., Inc., Bound Brook, N.J., authorizing the transportation of general commodities, with exceptions, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, Somerset, Union, and Middlesex Counties, N.J. A. David Millner, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC-FC-74997. By order of March 15, 1974, the Motor Carrier Board approved the transfer to D & S Express, Inc., Bound Brook, N.J., of a portion of the operating rights in Certificate No. MC-135127 issued March 25, 1971, to Green Brook Transportation Co., Inc., Green Brook, N.J., authorizing the transportation of general and specified commodities from, to, and between various specified points and areas in New York and New Jersey. A. David Millner, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC-FC-75008. By order of March 15, 1974, the Motor Carrier Board approved the transfer to Connecticut Tours, Incorporated, New Haven, Conn., of License No. MC-130140 issued October 2, 1972 to Louise (Verrecchia) Gamberdella, doing business as Louise Gamberdella, New Haven, Conn., authorizing it to engage in operations as a broker of passengers and their baggage, in round trip special and charter operations beginning and ending at points in New Haven County, Conn., and extending to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. Palmer S. McGee, Jr., One Constitutional Plaza, Hartford, Conn., 06103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6579 Filed 3-20-74;8:45 am]

REQUESTS FOR CERTIFICATION OF COMMISSION RECORDS

MARCH 18, 1974.

Because of the extreme fluctuations in the number of requests for certification of Commission records which sometimes occasions a severe backlog in the Certification Unit of the Office of the Secretary, and in order to assure the requesting parties that their material will be available on a timely basis, as well as, to enable the Secretary's Office to control the workflow process in the Certification Unit, the following time schedule should be followed by parties making requests for certification:

(a) 1-50 pages, minimum of (5) five working days.

(b) 51-200 pages, minimum of (15) fifteen working days.

(c) 201 and above, minimum of (30) thirty working days.

The Secretary's Office wishes to reiterate its position with respect to the manner in which material should be prepared for submission to the Secretary for certification:

(1) All records, transcripts, exhibits, protests, exceptions, replies, etc., must be free of all marks (ink or pencil, etc.) except for corrections as indicated in the official file.

(2) Records must be grouped in the same order as the official docket files kept at the Commission, and not in a disarranged or random manner.

(3) It is recommended that parties filing suits against the Commission request the certification of the record at the same time court action is instituted.

No assurance of timely certification will be given for requests that fail to meet the requirements stated above and all persons are advised to prepare and schedule their requests accordingly.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6581 Filed 3-20-74;8:45 am]

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THURSDAY, MARCH 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 56

PART II

Guide to Record Retention Requirements

OFFICE OF THE FEDERAL REGISTER

GUIDE TO RECORD RETENTION REQUIREMENTS

REVISION AS OF JANUARY 1, 1974

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1973, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1973.

The Guide is prepared by the Office of the Federal Register, National Archives and Records Service, General Services Administration and published in the CFR volume entitled "Finding Aids."

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of recordkeeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Federal Aviation Administration relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1974.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

2. Agricultural Marketing Service

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years, 7 CFR 906.51; as may be prescribed by the marketing committee, 7 CFR 912.60, 913.50, 914.50

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.5 Pear, plum, and peach handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 917.50, 921.60, 931.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60, 930.63

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers.

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 946.70, 947.80, 948.80, 950.80, 953.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Papaya handlers.

To maintain records of papayas received and disposed of by handler as may be necessary to verify reports requested.

Retention period: 2 years. 7 CFR 928.60

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers.

To maintain records to substantiate the reports required by the committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.71

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, reserve disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers. [Amended]

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71, 981.471 (retention: 981.70)

2.16 Filbert handlers.

To keep records of shelled and in-shell filberts received and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and in-shell walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the receipt, holding, handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68, 987.168

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins received, acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b Peanut handlers. [Added]

To maintain such records of peanuts received, held, and disposed of by him, as will substantiate any required reports.

Retention period: At least 2 years beyond the crop year of their applicability. Marketing Agreement 146 (30 F.R. 9402)

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 951.80, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes).) 7 CFR 926.122, 927.125

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

2.24 Date, prune, and raisin importers.

To maintain records of transactions.

Retention period: 2 years subsequent to calendar year of acquisition. 7 CFR 999.1, 999.200, 999.300

2.25 Packers of processed fruits and vegetables. [Added]

To maintain separate data sheets for each item as required in section cited.

Retention period: Not specified. 7 CFR 52.205

2.26 [Reserved]

2.27 Transporters, shippers, and handlers of eggs and egg products.

To maintain records of production, receipt, delivery, sale, movement, disposition, inventories, and class and quantities of eggs and egg products and such other records as required in section cited.

Retention period: 2 years. 7 CFR 59.200

2.28 [Reserved]

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and finished products, (b) pasteurization recorder charts and water supply test certificates, and (c) most recent copy of employee health certificate.

Retention period: (a) 1 year, (b) 6 months, (c) until employee no longer employed. 7 CFR 58.148, 58.322

2.30—2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33

2.40 [Reserved]

2.41 Licensed agricultural products warehousemen.

To maintain accounting records as specified in sections cited.

Retention period: 6 years after December 31 of the year in which such cotton for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

To maintain as part of warehouseman's records an exact copy of each report submitted.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 [Reserved]

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 Grain inspection agencies and licensees.

To maintain complete records of each inspection activity performed.

Retention period: 2 years after inspection (other than file samples). 7 CFR 26.55

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

2.57 [Reserved]

2.58 Potato handlers.

To maintain books and records necessary to carry out provisions of the Potato Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond marketing year of their applicability. 7 CFR 1207.351, 1207.532

2.59 [Reserved]

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR 1000.5 (For specific marketing area, see Parts 1001–1199.)

3. Animal and Plant Health Inspection Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed (a) production records including reports of all tests for purity, safety, and potency for each serial of biological product manufactured in or offered for importation into the United States, and (b) disposition records showing the sale, shipment, or other disposition made of the biological products handled.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Deputy Administrator, Veterinary Services. 9 CFR 116.1 (retention: 116.2)

3.2 Organizations sponsoring horse shows or exhibitions.

To maintain records as specified in section cited.

Retention period: 90 days or as specified by Deputy Administrator. 9 CFR 11.21

3.3 Distributors of biological products marketed under special license.

To keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser when the maintenance of records of distribution of biological products marketed under special license is a condition of the issuance of the special license.

Retention period: Not specified. 9 CFR 102.6(b) (3)

3.4 Owners and shippers involved in interstate movement of feeder and breeder swine.

To maintain records of origin, destination, and identification of all such swine.

Retention period: 1 year after movement of swine. 9 CFR 76.12

3.5 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 9 CFR 381.175 (retention: 381.177)

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 Persons certifying animals to be free of diethylstilbestrol (DES) residue.

To maintain a copy of such certificate as prescribed.

Retention period: 1 year from date of transaction. 9 CFR 309.16

3.8 Research facilities, exhibitors, operators of auction sales, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership.

Retention period: 2 years or longer as may be required by any Federal, State, or local law. 9 CFR 2.75–2.78 (retention: 2.79)

3.9 Operators of livestock markets handling any class of swine. [Amended]

To maintain records of origin and destination of all swine, and also of the identification of all swine other than slaughter swine, handled through livestock markets.

Retention period: 1 year after transaction. 9 CFR 76.18

3.10 Carriers transporting meat.

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.14

3.11 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food.

To keep records as specified in section cited.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator. 9 CFR 320.1 (retention: 320.3)

3.12 Custom slaughter operators claiming exemption.

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred or longer if directed by the Administrator. 9 CFR 303.1 (retention 320.3)

3.13 Transporters of undenatured livestock lungs.

To keep shipper's certificate.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.8 (retention: 320.3)

3.14 Operators of quarantine facilities for imported birds. [Added]

To maintain daily log for each lot of birds, recording such information as general condition of birds each day, source of origin of each lot, total number in each lot when imported, date placed in quarantine, tests, laboratory findings, and such other information as specified in section cited.

Retention period: 1 calendar year following release of birds from quarantine. 9 CFR 92.11

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 7 CFR 706.6 (retention: 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b [Reserved]

4.2c Indemnity payment program participants. [Amended]

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 760.30, 760.118

4.3 Ginners of cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight

of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

4.4 Buyers of cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

4.5–4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.87 (retention: 722.88)

4.8 Producers of cotton.

To keep records of cotton marketed, and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.88)

4.9 Producers and producer-manufacturers of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To maintain records relating to acreage, production, and disposition of tobacco as required by regulations.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.95 (retention: 724.105)

4.10 Producers of flue-cured and burley tobacco. [Amended]

To maintain records relating to the production and disposition of tobacco.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.98, 726.92 (retention: 725.111, 726.102)

4.11 Cigar tobacco buyers and loan organizations.

To maintain records relating to each sale of tobacco made by producer to buyer, kinds of tobacco purchased, and disposition of such tobacco.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.99, 724.100 (retention: 724.105)

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.12 Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.101 (retention: 724.105)

4.13 Truckers and firms redrying, prizing, or stemming flue-cured and burley tobacco, and storage firms. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received or handled and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.105, 726.96 (retention: 725.111, 726.102)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.96, 725.99, 725.115, 726.93 (retention: 724.105, 725.111, 726.102)

4.15 Firms acting as marketing agents or processors for processed producer carryover tobacco. [Added]

To maintain records as required in sections cited, in addition to records relating to receiving, processing, storage, and sale of producer tobacco delivered to him for processing.

Retention period: [1] 3 years. 7 CFR 725.103, 726.105

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.97, 725.100, 726.94 (retention: 725.105, 725.111, 726.102)

4.17 Firms storing processed or unprocessed producer owned tobacco. [Added]

To maintain records as required in sections cited, in addition to records required by 7 CFR 725.105.

Retention period: [1] 3 years. 7 CFR 725.103, 725.104, 726.106

4.18 Persons engaged in more than one business relating to tobacco. [Amended]

To keep separate records for each business as required by regulations.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.102, 725.106, 726.97 (retention: 724.105, 725.111, 726.102)

4.19–4.26 [Reserved]

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions as specified in the regulations.

Retention period: [1] 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC–161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears.

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165–1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20 (retention: 777.19)

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.52 (retention: 729.66)

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.57 (retention: 729.66)

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.62 (retention: 729.66)

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed in sections cited.

Retention period: [1] 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.34, 730.35, 730.38

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed informa-

tion for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, inventories, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35—4.36 [Reserved]

4.37 Processors of sugarcane. [Added]

To maintain records of original data compiled for reports required.

Retention period: 5 years. 7 CFR 873.40, 874.45

4.37a Producers of sugar beets and sugarcane. [Amended]

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 3 years from date of filing application for Sugar Act payment. 7 CFR Parts 862, 863, 864, 865

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

5.2 Cottonseed crushers participating in the cottonseed oil and meal purchase program.

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.67

5.3 [Reserved]

5.4 Peanut shellers participating in the peanut price support program.

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.19

5.5 Mohair producers participating in the payment program for mohair, and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.22, 1468.272

5.6 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program.

To maintain books, records, and accounts on production of wool, sheep and lambs, and the shearing thereof, and on purchases of lambs on and after April 1, 1956.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1251, 1472.1351

5.7–5.8 [Reserved]

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 Dealers participating in the Puerto Rican tobacco purchase program.

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.60

5.11 [Reserved]

5.12 Crushers of castor beans participating in the castor oil purchase program.

To maintain books, records, and accounts including name of sellers, date of receipt, and the gross and clean weight, quality and price of each lot of castor bean purchased.

Retention period: At least 3 years from last date any castor oil is delivered by the crusher. 7 CFR 1443.108

5.13 Warehousemen handling honey under the price support program.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1434.51

5.14–5.17 [Reserved]

5.18 Cotton ginners participating in the cottonseed purchase program.

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of such bank account.[2] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

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[2] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. Under certain conditions, microfilm reproductions may immediately be substituted for hard copy. 17 CFR 1.31

Retention period: 5 years from date of closing of account.[2] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants and clearing organizations of contract markets.

To keep records of obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

Retention period: 5 years after investment liquidated or load paid.[2] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[2] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[2] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[2] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[2] 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[2] 17 CFR 1.35 (retention: 1.31)

See footnote 2 on page 10678.

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) a financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.[2] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants and clearing organizations of contract markets.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.[2] 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[2] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[2] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[2] 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[2] 17 CFR 18.05 (retention: 1.31)

6.16 Contract markets. [Added]

To keep record of rule enforcement activities.

Retention period: 5 years.[2] 17 CFR 1.51 (retention: 1.31)

7. Farmers Home Administration

7.1 Individual borrowers and grant recipients of FHA funds.

To maintain records of the operations to meet requirements of State and local regulations and terms of agreement with FHA and other creditors.

Retention period: Not specified. 7 CFR 1802.24

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act.

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 3 years after the year to which such records pertain. 7 CFR 1823.359

7.3 Rural communities and other associations or organizations of farmers and rural residents obtaining loans and grants for housing, central domestic water systems, waste disposal systems, shift-in-land-use projects and related facilities, and recreational facilities.

To maintain records of its operations, maintenance, and management of its facility including the establishment and maintenance of financial accounts and records.

Retention period: Until summarized and reflected in the agency's official records and until the requirements of State and local laws and regulations are met. Number of years after this point not specified. 7 CFR 1802.77, Part 1823, App. 2, Item 3, 1823.107, 1823.284

7.4 Persons receiving community facility loans. [Added]

To maintain books of account and all other records, books, memoranda which support entries in the books of account.

Retention period: At least 3 years. 7 CFR 1823.14

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, combined crops, corn, cotton, flax, grain sorghum,

oats, peanuts, canning and freezing peas, dry peas, rice, rye, soybeans, sugar beets, sugarcane, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.111, sec. 17

9. Packers and Stockyards Administration

9.1 [Deleted]

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years. 9 CFR 201.42 (retention: 201.50)

9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years. 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years. 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

9.7 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: 2 years. 9 CFR 201.74, 201.106–1 (retention: 201.50)

9.8 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[a] 9 CFR 201.89

9.9 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

9.10 Stockyard owners, market agencies, dealers and licensees subject to the provisions of the Packers and Stockyards Act.

To maintain records of items listed in section cited.

Retention period: 2 full calendar years, or longer if directed by the Administrator. 9 CFR 201.50

9.11 Packers and dealers of live poultry under the Packers and Stockyards Act.

To keep records listed in the section cited.

Retention period: 2 years. 9 CFR 201.101

10. Office of the Secretary

10.1 Educational institutions having negotiated research agreements with the Department of Agriculture.

To maintain records with respect to status of project, expenditures, separate records of expenditures for funds provided from other sources, and accounting records, all to be compatible with the Department's and institutions' administrative and fiscal processes.

Retention period: 3 years after final payment under the agreement. 41 CFR 4–3.5108, 4–7.5101–9 (retention: 4–7.5101–10)

10.2 State agencies having contracts or agreements for relocation assistance projects. [Amended]

To maintain records as specified in section cited.

Retention period: 3 years. 7 CFR 21.909

11. Export Marketing Service

11.1 Exporters participating in the rice export program.

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 3 years after date of export. 7 CFR 1481.184

11.2 Feed grain exporters participating in the feed grain export program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

11.3 [Reserved]

11.4 Private organizations or individuals which enter the private trade agreements pursuant to title IV of Public Law 480.

Maintain books and records as well as pertinent documents, correspondence,

[a] Records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

11.5 Suppliers who sell agricultural commodities under a title IV credit purchase authorization (including ocean transportation).

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

11.6 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program.

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

11.7 Exporters of agricultural commodities under CCC export credit sales program.

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.18

11.8 Importers and suppliers involved in sales of agricultural commodities.

(a) *Importers*—To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) *Suppliers*—To maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

11.9 Exporters of wheat and wheat flour.

To maintain records showing sales and deliveries of wheat or wheat flour exported or to be exported in connection with program.

Retention period: 3 years after date of export or final payment. 7 CFR 1483.184, 1483.284

12. Food and Nutrition Service

12.1 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 210.8, 210.14, 210.15, 210.16

12.2 Participants in the special food service program for children. [Amended]

(a) *Food service management companies*—To maintain records supported by invoices, receipts, and other evidence pertaining to service institution's feeding operations.

(b) *Service institutions*—To maintain food service operations, including meals, program receipts, and program expenditures for food, labor, and all other costs.

Retention period: (a) 3 years after end of fiscal year; (b) 3 years and 3 months after end of fiscal year, except for nonfood assistance records which are to be maintained for 5 years. 7 CFR 225.7b, 225.7c, 225.18

12.3 Cooperating State agencies, school food authorities, child care institutions, and food service management companies participating in the Special Milk program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 215.7, 215.11, 215.12

12.4 Distributing, subdistributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons.

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; also, to maintain records on all activities under the Supplemental Food Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8, 250.14, 250.15, 251.9

12.5 Cooperating State agencies, school food authorities, and food service management companies participating in the school breakfast program.

To maintain accounts and records as specified in sections cited.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.7, 220.24, 220.25

12.6 State agencies participating in the food stamp program.

To keep such records, microfilms, or approved lists in lieu of records, and submit such reports and other information as may from time to time be required by FNS.

Retention period: (a) For unlisted records, microfilms, or lists in lieu of records, 3 years from month of origin of such records, or longer if instructed in writing by FNS or the Department; (b) for records which have been microfilmed, no retention period after required reconciliation and microfilming; (c) for records covered by an approved list, 1 year after month of execution, or longer if instructed in writing by FNS or the Department. 7 CFR 271.1

12.7 States participating in emergency food assistance for victims of major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.7

12.8 School food authorities participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To keep records of hearings on applications which families make for free or reduced price lunches for children.

Retention period: 3 years. 7 CFR 245.7

12.9 Cooperating State agencies, school food authorities, and service institutions participating in the nonfood assistance program. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years to 5 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.16, 220.23–220.25, 225.15, 225.17, 225.18

12.10 States participating in temporary emergency food assistance for victims of other than major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.14

12.11 State and local health agencies participating in the special supplemental food program for women, infants, and children. [Added]

To maintain food, fiscal, and medical records as indicated in section cited.

Retention period: 3 years following end of applicable fiscal year or termination of program, whichever is sooner, or until resolution of audit questions of any litigation. 7 CFR 246.11

13. Statistical Reporting Service [Added]

13.1 Exporters subject to export sales reporting requirements.

To maintain records of all export sales of commodities designated in 7 CFR Part 20, Appendix 1, including contracts and other agreements with foreign buyers and sellers, and bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto.

Retention period: 3 years after date of export to which they relate. 7 CFR 20.9

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration [Revised]

1.1 Recipients of loans and grants for public work and development facilities projects.

To maintain financial records, supporting documents, statistical records, and all other records relating to the project.

Retention period: At least 3 years from date of submission of final expenditure report or longer if audit findings have not been resolved; 3 years after final disposition for nonexpendable property; period required by State or local law for nonconstruction loans or grants or contracts for less than $100,000. 13 CFR 305.93

1.2 Recipients of grants for technical assistance.

To maintain (a) financial records disclosing the amount and disposition of any funds applied to the project and terms and conditions upon which such grants-in-aid were made; and (b) project control records, where applicable, reflecting work progress and indicating its relationship to estimated costs and schedules.

Retention period: Until completion of the purpose or undertaking for which such funds were used, or until final disbursement is made by EDA, whichever is later, and for at least 3 years thereafter. 13 CFR 307.16

1.3 Technical assistance and research contractors and subcontractors.

To maintain (a) progress control records reflecting acquisition, work progress, expenditures and commitments indicating relationship to established costs and schedules; and (b) written financial records establishing compliance to requirement of the act and terms and conditions of contract or subcontract.

Retention period: At least 3 years after final payment. 13 CFR 307.17

1.4 Recipients of financial assistance (including contractors and subcontractors).

To maintain financial records of amount and disposition of funds, total cost of project or undertaking, amount and nature of portion of cost supplied by other sources; and such other records as will facilitate an effective audit.

Retention period: Not specified. 13 CFR 305.96, 309.9

1.5 Recipients of loans and grants (nondiscrimination records).

To maintain timely, complete, and accurate compliance records for submission to EDA officials at such times and in such form and containing such information as the responsible EDA official may determine to be necessary for ascertaining whether the recipient has complied or is complying with section 112 of Public Law 92-65 of the Public Works and Economic Development Act of 1971 (nondiscrimination on the ground of sex).

Retention period: Not specified. 13 CFR 311.47

2. Domestic and International Business Administration

ADJUSTMENT ASSISTANCE

2.1 Firms receiving adjustment assistance under the Trade Expansion Act of 1962.

To keep records of all transactions relating to the receipt, disbursement, and utilization of assistance received.

Retention period: 3 years following completion of adjustment assistance proposal or until loans called for therein have been repaid, whichever date is later. 15 CFR 500.50

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by DPS Regulation 2.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of DPS Regulation 2 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, DPS Reg. 2, sec. 7(a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Regulation 1 and DMS Order 1 and DMS Order 3.

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Reg. 1—Basic Rules of the Priorities System; DMS Order 1—Iron and Steel; and DMS Order 3—Aluminum, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Reg. 1, sec. 24(a); DMS Order 1, sec. 17(a); DMS Order 3, sec. 15(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Order 1.

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Order 1—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Order 1, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by DMS Order 2—Nickel Alloys.

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of DMS Order 2—Nickel Alloys.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 2, sec. 13(a)

2.7 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (DMS Order 4—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of DMS Order 4—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 4, sec. 12

EXPORT ADMINISTRATION

2.8 Holders of International Import Certificates selling or transferring commodities covered by such certificates.

To maintain written acceptance by the purchaser or transferee of all obligations imposed under the Export Administration regulations of the United States.

Retention period: 2 years.[4] 15 CFR 368.2

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[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Administration Regulations after 12 months from beginning of required retention period, provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

2.9 Executors of International Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To maintain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 2 years.[4] 15 CFR 368.3

2.10 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 378.2 (retention: 387.11)

2.11 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.6 (retention: 387.11)

2.12 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 2 years from, date the commodities are supplied to a vessel or aircraft.[4] 15 CFR 373.8

2.13 Exporter to a foreign distributor.

(a) *Exporters*—To retain copies of validated or rejected Forms FC–143 and 243, and all other forms, documents, correspondence, memoranda, books, and other records relating to exports under the Form FC–243 procedure.

(b) *Foreign distributor*—To retain copies of Form FC–243 and records of distribution, sale, or reexportation from a foreign-based stock under this procedure.

Retention period: 2 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.4 (retention: 387.11)

2.14 Applicants for a Periodic Requirements and Time Limit Licenses.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.5, 373.6 (retention: 387.11)

2.15 Forwarding agents receiving copies of commercial invoices not containing destination control statement.

To keep record of corrected entry or of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.16 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.13

2.17 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 387.11

2.18 Loan or sale of commodities by airlines.

To keep records of commodities imported from the U.S. and lent or sold to another airline without profit.

Retention period: 2 years from date of transaction. 15 CFR 376.8

2.19 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.20 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 379.4 (retention: 387.11)

2.21 Exporters and distributors of commodities under distribution licenses.

To keep (a) one copy of each validated or rejected Form FC 1143; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; (c) all records regarding a sale or reexport by a distributor who is an approved consignee; (d) the original of Swiss Blue Import Certificate and reproduced copies of the original of the Yugoslav End Use Certificates.

Retention period: 2 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction; (c) from date of sale or reexport; and (d) from the date the commodities are distributed.[4] 15 CFR 373.3 (retention: 387.11)

2.22 U.S. exporters, foreign-based service facilities, and foreign manufacturers operating under the Service Supply Procedure.

To keep records of all exports and reexports under the Service Supply Procedure.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.7 (retention: 387.11)

2.23 Exporters of commodities to be returned to the United States.

To keep records of temporary exports to be returned to the United States as well as Customs Entry Number or any other evidence of disposition of commodities exported.

Retention period: 2 years from date of return of commodities of other disposition.[4] 15 CFR 371.22 (retention: 387.11)

2.24 Forwarding agents for exporters operating under the Shippers Export Declaration. [Amended]

To maintain the power-of-attorney or other authorization as well as redelegations by the forwarding agent.

Retention period: 2 years after the last action taken. 15 CFR 386.3

2.25 Exporters reexporting commodities exported under general license.

To maintain reexport authorization document.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 374.7 (retention: 387.11)

2.26–2.30 [Reserved]

FOREIGN-TRADE ZONES

2.31 Grantees of foreign-trade zones.

To maintain records required under the Uniform System of Accounts, Records, and Reports.

Retention period: 5 years after the merchandise covered by such records has been forwarded from the zone. 15 CFR 400.1014

SHIPPING RESTRICTIONS

2.32 Ship and aircraft owners, masters, officers, employees and agents participating in transportation. [Amended]

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 and T–2 (Shipping restrictions) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in micro-

See footnote 4 on page 10682.

film or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

2.33 Persons transporting commodities to and from Southern Rhodesia.

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. Records may be microfilmed or photographic copies made.

Retention period: At least 2 years. 15 CFR 11.5

3. Assistant Secretary for Science and Technology

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: Until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 U.S.C. 1368

3.2 Manufacturers participating in the voluntary labeling program for household appliances and equipment. [Added]

To maintain measurement data required for inclusion on label.

Retention period: 2 years after model of appliance or equipment is no longer manufactured. 15 CFR 9.5

4. [Reserved]

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, AGE–1, sec. 2(a), General Agency Agreement, Art. 3 (g)(1) and Art. 14; sec. 2(b) Berth Agency Agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for husbanding and other compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record amounts of compensation paid in agency account books.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or WORKSMAL REP Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–5

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

[5] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 [Reserved]

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime schools.

To keep records pertaining to the schools, its officers, instructors, crew, cadets, training vessels and shore bases. The schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of sections cited. 46 CFR 380.20–380.24

6. Office of Foreign Direct Investments

6.1 Persons in the United States making foreign direct investments.

To keep within the United States a full and accurate record of each transaction subject to the provisions of 15 CFR Part 1000, whether effected pursuant to authorization or otherwise, and of every other transaction with an affiliated foreign national.

Retention period: 3 years. 15 CFR 1000.601

6.2 Persons required to make reports and persons aiding in preparing such reports.

To preserve all working papers (irrespective of by whom prepared) used in preparation of reports required under 15 CFR 1020.121(a) or 1000.602(b), all exhibits, all schedules, and all attachments to such papers, and all books and all records related to such reports or to such other papers, that were prepared in the ordinary course of business.

Retention period: 3 years. 15 CFR 1020.121(b)

7. [Reserved]

8. National Oceanic and Atmospheric Administration

8.1 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

8.2 Persons engaged in weather modification or related activities.

To maintain daily record of activities, name and address of person operating weather modification apparatus, and such other records as required by sections cited.

Retention period: 5 years. 15 CFR 908.8, 908.9, 908.11

8.3 Recipients of fishing vessel mortgage insurance.

To maintain books of account and submit periodic reports as required by the Secretary of Commerce.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

8.4–8.6 [Reserved]

8.7 Masters of shipping vessels engaged in yellow-fin tuna fishing.

To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species which are taken on board.

Retention period: Not specified. 50 CFR 280.11

8.8 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years following final payment. 50 CFR 401.15

8.9 [Reserved]

8.10 Purchasers of haddock, yellowtail flounder, or other finfish, and herring from U.S. fishing vessels. [Amended]

To keep records of each purchase of herring, haddock, yellowtail flounder, or any other species of finfish taken within convention area by a U.S. fishing vessel.

Retention period: Not specified. 50 CFR 240.4, 242.8

8.11 Masters or operators of fishing vessels engaged in haddock or yellowtail flounder, and herring fishing. [Amended]

To keep an accurate log of all fishing operations, including details of type of gear used, locality and duration of fishing, and estimated poundage of each species taken at each retrieval of gear.

Retention period: Not specified. 50 CFR 240.4, 242.8

8.12 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

8.13 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

8.14 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

9. Regional Action Planning Commissions

9.1 Recipients of grants—financial records.

To keep and preserve on account of any grant under secs. 505 and 509 of the Public Works and Economic Development Act of 1965, as amended, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the act or acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: Until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 307.62(10)(d)

10. United States Travel Service

10.1 States or private or nonprofit organizations receiving Federal grants for travel promotion projects.

To maintain all books, documents, papers, and records relating to the project.

Retention period: 3 years unless extended by the Assistant Secretary for Tourism. 15 CFR 1200.5 (retention: 1200.7)

11. Bureau of the Census

11.1 Exporters, their agents, and owners and operators of exporting carriers.

To retain all shipping documents, invoices, orders, packing lists, correspondence, and other documentation as required by 15 CFR 30.7 and 30.8.

Retention period: 3 years subsequent to exportation. 15 CFR 30.11

III. DEPARTMENT OF DEFENSE

1. Department of the Air Force

1.1 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.5

2. Department of the Army

2.1–2.3 [Reserved]

2.4 Persons holding permits for discharging or depositing into navigable waters.

To keep records as to the nature and frequency of all discharges and deposits from plant or other facility and such other information requested by the District Engineer.

Retention period: Not specified. 33 CFR 209.131

3. Defense Civil Preparedness Agency

3.1 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.2 State or State agencies receiving Federal contributions for civil defense equipment and construction. [Amended]

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project and for nonexpendable property records, 3 years after final disposition. 32 CFR 1801.6, 1812.16

3.3 State or State agencies receiving financial contributions for personnel and administrative expenses.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by DCPA to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: 5 years after the date of final payment, or until notified that such records are not needed for administrative review, whichever occurs earlier.[6] 45 CFR 114.61

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas of public schools affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or for 3 years following fiscal year to which the claim relates, whichever is earlier.[6] 45 CFR 115.42

1.3 State and local agencies receiving financial assistance for vocational education programs. [Amended]

(a) To maintain records supporting claims for Federal grants or relating to the accountability for the expenditure of such grants and matching funds, and records supporting compliance and

[6] The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

maintenance of effort and other requirements.

Retention period: 3 years after close of fiscal year in which expenditure was made or, if Federal audit has not occurred, 5 years after close of fiscal year in which expenditure was made or until notified of completion of Federal audit, whichever is earlier.[6] 45 CFR 100b.477

(b) To maintain inventories of items of equipment acquired with funds and costing more than $200 per unit.

Retention period: Until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition. 45 CFR 100b.477

1.4 Institutions of higher learning receiving grants for librarianship training. [Amended]

To maintain records relating to the receipt and expenditure of Federal grant funds and to the expenditure of grantee's contribution to the cost of the training program.

Retention period: 3 years after end of budget period; or if Federal audit has not occurred, until notified of completion of audit or 5 years following end of budget period, whichever is earlier.[6] 45 CFR 100a.477

1.5 State and local agencies and any other entities participating in the library services and construction program, interlibrary cooperation or specialized State library services. [Amended]

(a) To keep all records identified as to individual program allotments supporting claims for Federal grants or relating to the accountability of the State agency or any participant for expenditures of such grants and of matching funds and records supporting maintenance of effort.

Retention period: 3 years after close of fiscal year in which expenditure was made, or if Federal audit has not occurred, for 5 years after close of fiscal year in which expenditure was made or until notified of completion of audit, whichever is earlier.[6] 45 CFR 100b.477

(b) To keep inventories and records of each item initially costing $200 or more.

Retention period: Until depreciation results in less than $200 or until disposition. Inventories retained pursuant to (a). 45 CFR 100b.477

1.6 State agencies and training facilities receiving payments for manpower training.

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds and relating to the expenditure of its share of the costs of providing training.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made or until notified of the completion of the Federal fiscal audit, whichever is earlier.[6] 45 CFR 160.16

(b) To maintain an inventory on all equipment acquired costing $50 or more.

Retention period: Until the expiration of the useful life of such equipment, or until notified of the completion of the audit covering the disposition of such equipment. 45 CFR 160.17

1.7 State and local educational agencies, municipalities, and nonprofit agencies receiving financial assistance for noncommercial educational radio and television broadcast facilities. [Amended]

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made; or until the applicant is notified of the completion of the Secretary's fiscal audit, whichever is earlier.[6] 45 CFR 100a.477

(b) To maintain adequate descriptive inventories and other records supporting accountability of all transmission apparatus acquired and installed in the project and costing, or in the case of donations, having a fair market value of $100 or more except that when depreciation of such apparatus results in a fair market value of less than $100 per unit such apparatus may be deleted from such inventory.

Retention period: 10 years after completion of the project. 45 CFR 100a.477

1.8 State and local educational agencies and institutions receiving grants for education of handicapped children [Amended]

(a) To maintain all records supporting claims for Federal funds or relating to accountability of the grantee for expenditures of such funds.

Retention period: 3 years after end of budget period; or if audit has not occurred, 5 years or until completion of audit, whichever is earlier.[6] 45 CFR 100b.477

(b) To maintain an inventory of equipment acquired and costing more than $300.

Retention period: For expected useful life of the equipment or until its disposition, whichever is earlier. 45 CFR 100b.477

1.9 State commissions and institutions receiving financial assistance for construction of higher education facilities. [Amended]

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures of Federal funds, (2) records of nonexpendable equipment acquired with Federal funds, (3) records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposit slips, canceled checks, etc. (or microfilm copies), for audit and inspection by the Federal Government.

See footnote 6 on page 10686.

Retention period: (a) (1) 3 years after year in which expenditure was made or longer if audit findings have not been resolved, (2) 3 years following disposition of equipment, (3) 2 years after final action with respect to the application, and (4) at least 3 years; (b) 3 years after completion of project.[6] 45 CFR 100a.477, 170.6

1.10 State and local educational agencies, public and private nonprofit agencies, and institutions of higher learning receiving financial assistance for adult education programs. [Amended]

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: 3 years after close of fiscal year in which expenditure was liquidated, or until notified that such records are no longer needed for program administrative review, or completion of Federal fiscal audit, whichever is the latest.[6] 45 CFR 100b.477

(b) To keep inventory and records of all items of equipment costing $100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 100b.477

1.11 State and local educational agencies receiving financial assistance for strengthening academic subjects in public schools. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of period for which funds were made available, whichever is earlier.[6] 45 CFR 100b.477

(b) To keep continuing inventories and records supporting accountability for nonconsumable equipment costing $300 or more per unit.

Retention period: Until equipment is no longer useful; until residual value of equipment is less than $100; or until equipment is disposed of or accountability to United States is waived. 45 CFR 100b.477

1.12 Private nonprofit schools receiving loans for acquisition of equipment for strengthening instruction in academic subjects.

To keep all records supporting the use of loan funds.

Retention period: Until the loan has been paid in full or 3 years after receipt of loan funds, whichever is later. 45 CFR 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs.

To keep all records supporting claims for Federal payments.

Retention period: 3 years after the close of the fiscal year to which such records relate; or until notified that such records are not needed for program administration review; or until notified of the completion of the Department's fiscal audit, whichever is the latest.[6] 45 CFR 145.5

1.14 State and local educational agencies receiving financial assistance for guidance, counseling, and testing programs. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of Federal grants and matching funds.

Retention period: 3 years after the close of the fiscal year in which the expenditure was made; or if audit has not occurred, until notified of completion of audit or 5 years after end of fiscal year in which expenditure was made, whichever is earlier.[6] 45 CFR 143.18

(b) To maintain inventories of equipment costing $300 or more acquired with grant funds.

Retention period: Useful life of equipment or until disposition, whichever is earlier, and records of such inventories for 3 years thereafter. 45 CFR 143.18

1.15 [Deleted]

1.16 State and local educational agencies receiving financial assistance for special educational needs of educationally deprived children. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made; or until notified that such records are not needed for administrative review, whichever is the earlier.[6] 45 CFR 100b.477

(b) To maintain inventory records on equipment acquired with Federal funds and placed in the temporary custody of persons in a private school.

Retention period: 1 year following period inventories must be kept, or if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition. 45 CFR 100b.477

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials. [Amended]

(a) To keep records supporting claims for Federal funds or relating to the accountability of the grantee or funded agency for expenditure of such funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of the period for which funds were made available, whichever is earlier.[6] 45 CFR 100b.477

(b) To maintain continuing inventories and other supporting accountability records for equipment costing $300 or more.

Retention period: Until equipment is no longer useful; until residual value is less than $100; or until accountability to United States has been waived. 45 CFR 100b.477

1.18 State and local educational agencies receiving financial assistance for supplementary educational centers and services. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made, or until notified that such records are not needed for administrative review, whichever occurs first.[6] 45 CFR 100b.477

(b) To keep inventories of all equipment acquired with funds costing $100 per unit.

Retention period: 3 years following the period for which such inventories are required to be made; or if costing $100 or more, for the expected useful life of such equipment or until its disposition, whichever is earlier. 45 CFR 100b.477

1.19 State educational agencies and nonprofit public and private agencies and institutions receiving Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities. [Amended]

(a) To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: Until audit by or on behalf of the Department, or 5 years after the close of the budget period, whichever is the lesser.[6] 45 CFR 100a.477

(b) To keep inventories and other records supporting accountability of nonconsumable equipment costing $250 or more per unit purchased.

Retention period: Until notified of the completion of the Department's review and audit covering disposition of such equipment. 45 CFR 100a.477

1.20 State educational agencies receiving financial assistance to strengthen State departments of education. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following end of period for which funds were made available, whichever is earlier.[6] 45 CFR 100a.477

(b) To keep inventories and other records supporting accountability of equipment, which costs $100 or more per unit, purchased with Federal financial participation.

Retention period: Until notified of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 100a.477

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools and for current expenditures in areas affected by major disasters.

To keep records supporting claims for such assistance.

Retention period: 5 years following date of final payment under the application or until notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 112.16, 113.19

1.22 State and local educational agencies; Indian tribes, organizations, and institutions; federally supported schools; and institutions of higher learning participating in programs to improve educational opportunities of Indian children and adults. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report; (b) 3 years after final disposition.[6] 45 CFR 100a.477

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education. [Amended]

(a) *State commissions.* To maintain (1) records supporting expenditures for expenses of State commission, (2) a complete case file on each application received, and (3) records of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

Retention period: (1) Until notification of completion of Federal audits for fiscal year concerned, or 5 years following such fiscal year, whichever is sooner; [6] (2) at least 2 years after final action on the application by the State commission; and (3) at least 2 years after closing date for receipt of such projects. 45 CFR 100a.477

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: 3 years after completion of the project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 100a.477

1.24 Federal, State, and private programs of low-interest loans to vocational students and students in institutions of higher education.

(a) *Guarantee agencies.* To keep records on status of its student loan insurance reserve fund and the operation of its loan insurance progam.

See footnote 6 on page 10686.

(b) *Lenders.* To keep complete and accurate records on all federally insured loan accounts reflecting each transaction.

Retention period: (a) Not specified; (b) until Commissioner has no further need for such records, but for not less than 3 years from date loan either has been repaid in full or defaulted with reimbursement of the lender by the guarantee agency or the Commissioner. 45 CFR 177.8

1.25 State agencies or institutions receiving financial assistance for community service and continuing education programs. [Amended]

(a) To maintain all records supporting claims for Federal grants or relating to accountability of State agency or participating institutions for expenditure of such grants or of matching funds.

Retention period: 5 years after close of fiscal year in which expenditure was made or until notified that such records are not needed for program administration review or of completion of Department's fiscal audit, whichever is sooner.[6] 45 CFR 100b.477

(b) To keep inventories and records of all items of equipment initially costing $100 or more in which the Federal Government has participated.

Retention period: Not specified. 45 CFR 100b.477

1.26 Institutions of higher education participating in the national defense student loan program.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.27 State or local educational agency receiving grants for comprehensive educational planning and evaluation. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds or grantee's contribution.

Retention period: (a) 3 years after date of submission of annual report; (b) 3 years after final disposition.[6] 45 CFR 100a.477

1.28 Local educational agencies and institutions of higher education receiving financial assistance for bilingual education programs. [Amended]

(a) To maintain all records pertaining to such Federal grant or to the expenditure of grant funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated, or until notified that such records are not needed for program administrative review, whichever occurs first.[6] 45 CFR 100a.477

(b) To maintain inventories and other records supporting accountability on equipment costing $100 or more per item under an approved project.

Retention period: 1 year after the end of expected useful life of equipment or disposition of the equipment. 45 CFR 100a.477

1.29 Local educational agencies receiving financial assistance for demonstration projects for reducing school dropouts. [Amended]

(a) To maintain all records relating to Federal funds and to the expenditure of such funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated or until notified that such records are not needed for program administrative review, whichever is earlier.[6] 45 CFR 100a.477

(b) To maintain records on inventories of all equipment costing $100 or more per unit acquired with Federal funds.

Retention period: 1 year after the end of the expected useful life of the equipment or after disposition of such equipment. 45 CFR 100a.477

1.30 Institutions of higher education receiving financial assistance for college library resources program. [Amended]

To maintain all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds.

Retention period: 5 years after close of fiscal year or until notified of completion of fiscal audit, whichever is earlier.[6] 45 100a.477

1.31 Local educational agencies and public and private agencies receiving financial assistance for research and training, exemplary, and curriculum development programs in vocational education. [Amended]

(a) To keep all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of such funds and its contribution to the cost of the program or project.

Retention period: 3 years after close of budget period in which expenditures were made; or, if a Federal audit has not occurred, 5 years after close of budget period in which expenditures were made, or until notified of completion of the Federal audit, whichever is earlier.[6] 45 CFR 100a.477

(b) To keep records on all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100.

Retention period: Not specified. 45 CFR 100a.477

1.32 Institutions of higher learning receiving grants under the Upward Bound project. [Amended]

To maintain all records showing progress of project in achieving objectives, and all accounting records necessary for audit.

Retention period: 3 years after completion of the project or until notification of the Federal audit, whichever is later; but in no case more than 5 years after completion of the project.[6] 45 CFR 100a.477

1.33 State educational agencies receiving Federal financial assistance for planning and evaluation of programs and projects for elementary and secondary education. [Amended]

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds.

(b) To keep records on inventories of all equipment acquired under section 402 of the act and costing $100 or more per unit.

Retention period: 3 years following the period for which funds were made available and inventories required to be made; or if there has been no audit by that time, until such audit or until 5 years following the end of the budget period, whichever is earlier.[6] 45 CFR 100a.477

1.34 State and local educational agencies receiving grants under the emergency school assistance program. [Amended]

To maintain all records pertaining to expenditure of Federal grant.

Retention period: 3 years after end of budget period, or if Federal audit has not occurred, 5 years following the end of the budget period, whichever is earlier.[6] 45 CFR 100a.477

1.35 State and local educational agencies receiving financial assistance for educational programs on environmental quality. [Amended]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 45 CFR 100a.477

1.36 Area vocational schools and institutions of higher learning participating in the college work study program. [Amended]

To maintain records reflecting all activities of the program including student employment applications.

Retention period: 3 years following end of fiscal year or until completion of Federal audit, whichever is later, but no longer than 5 years.[6] 45 CFR 100a.477, 175.16

1.37 State and local educational agencies receiving grants for educational programs on drug abuse. [Amended]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 45 CFR 100a.477

1.38 Local educational agencies; institutions, and organizations receiving grants for emergency school aid. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting

See footnote 6 on page 10686.

records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477

1.39 Public and private institutions and agencies receiving grants for the improvement of postsecondary education. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 1501.11

1.40 State educational agencies and institutions receiving grants for the improvement of desegregation in public education. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition, Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477

1.41 State educational agencies receiving grants for special projects and teacher training in the adult education program. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477, 100b.477

1.42 Institutions of higher education receiving veteran's cost-of-instruction payments. [Added]

To maintain records relating to the receipt and expenditure of Federal funds, including accounting records and related original and supporting documents and records of nonexpendable property acquired with Federal funds.

Retention period: 3 years after submission of fiscal operations report or in the case of nonexpendable property, 3 years after its final disposition.[6] 45 CFR 189.31

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food, drugs and devices, and cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking. [Amended]

To keep written agreements containing such specifications as will insure that such food, drugs and devices, and cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such commodities from such establishment. 21 CFR 1.107, 1.204

2.2 Commercial processors manufacturing, processing, or packing low-acid foods. [Added]

To maintain (a) complete records covering all aspects of the establishment of the process and associated incubation tests; and (b) processing and production records as specified in sections cited.

Retention period: (a) Permanent; (b) not less than 3 years. 21 CFR 90.21, 128b.4, 128b.8

2.3 [Reserved]

2.4 [Transferred to XVIIa 1.1]

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review committees.

To maintain records of (a) each shipment and delivery and disposition of each new or antibiotic drug; and (b) documents relating to membership, study discussions, resolutions, etc. of review committees.

Retention period: (a) 2 years after shipment and delivery; (b) 3 years after completion or discontinuance of study. 21 CFR 130.3, 130.3a, 130.3b, 135.3, 144.8

2.7 Persons introducing shipment or delivery of antibiotic drugs into interstate commerce; operators of establishments processing, labeling, storing, repacking, and manufacturing antibiotic drugs; and persons requesting certification of antibiotic drugs.

(a) To keep complete records of all shipments and deliveries of each batch or part thereof.

See footnote 6 on page 10686.

Retention period: 3 years from date of shipment or delivery and/or receipt of same. 21 CFR 144.3—144.7, 146.5

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use.

To keep records of all laboratory tests and assays required as a condition for certification on each batch produced and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

Photostatic or other permanent reproduction may be substituted for such records after the first 2 years of the holding period. 21 CFR 144.23

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

To keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States. [Amended]

To keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 1210.15

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals.

To maintain batch production and control records for each batch of drugs; data concerning laboratory tests performed; records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary; and written and oral complaints regarding the drug.

Retention period: 2 years after the distribution of the drug has been completed or 1 year after the expiration of the drug, whichever is longer. 21 CFR 133.7, 133.11, 133.12, 133.15

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

To keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

To maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Manufacturers or distributors shipping new drug substances intended for hypersensitivity testing.

To maintain records of all shipments for this purpose.

Retention period: 2 years after shipment. 21 CFR 130.41

2.15 Persons treating food with low dose electron beam radiation.

To keep a record of the radiation intensity and power used by means of recorders coupled to the election accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: Permanent; 1 year for Food and Drug Administration inspection. 21 CFR 121.3007

2.16 Manufacturers, packers, distributors, and shippers of antibiotic drugs for human release.

To maintain such records as specified in section cited to facilitate determination whether such certificate or release should be rescinded or whether any regulations should be amended or repealed.

Retention period: Not specified. 21 CFR 146.14

2.17 Persons holding approved new-drug applications.

To maintain records necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13, 130.47

2.18 Manufacturers, processors, packers, and holders of medicated feeds.

To maintain (a) receipt and inventory records of drug components; (b) production records; (c) master formula records or cards for each medicated feed; (d) laboratory control records on results of assays; (e) distribution records; and (f) records of complaints and action taken.

Retention period: (a)—(d) 1 year; (e) 6 months; (f) 2 years. 21 CFR 133.104, 133.105, 133.108—133.110

2.19 Manufacturers, processors, packers, and holders of smoked and smoke-flavored fish.

To maintain records providing positive identification of the process procedures used for the manufacture of hot-process smoked or hot-process smoke-flavored fish and of the distribution of the finished product.

Retention period: Not specified. 21 CFR 128a.7(e)(5)

2.20 Manufacturers, processors, packers, and holders of medicated premixes for use in the manufacture of medicated feeds.

To maintain receipt and inventory records of any drug components used; batch production and control records; results of assays; distribution records; and oral and written complaints concerning safety and efficacy of each premix.

Retention period: 2 years. 21 CFR 133.204, 133.205, 133.208—133.210

2.21 Manufacturers, processors, packers, and repackers of human foods.

To maintain records of coding of food products.

Retention period: The shelf life of the product, except not longer than 2 years. 21 CFR 128.7(i)

2.22 [Deleted]

2.23 [Reserved]

2.24 Sponsors of methadone maintenance programs.

To maintain for each patient an admission evaluation and records consisting of personal and medical history, physical examination, and such other information as necessary.

Retention period: Not specified. 21 CFR 130.44

2.25 Manufacturers of impact-resistant lenses for glasses and sunglasses.

To maintain records of sale, distribution, and results of tests conducted on impact-resistant lenses.

Retention period: 3 years. 21 CFR 3.84

2.26 [Transferred to XVIIa 1.2]

2.27 [Transferred to XVIIa 1.14]

2.28 Licensed domestic and foreign manufacturing establishments of biological products. [Amended]

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; and records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 21 CFR 600.12

2.29 [Deleted]

2.30 Manufacturers of certain electronic products. [Amended]

To maintain (a) description of the quality control procedures with respect to electronic product radiation safety; (b) record of the results of tests for electronic product radiation safety; (c) for products that display aging effects which may increase radiation emission, records of the results of tests for durability of the product, and the basis for selecting the tests; (d) copies of all pertinent written communications; (e) records of the manufacturers distribution of products; and (f) records received from dealers or distributors pursuant to sec. 1002.41.

Retention period: 5 years from the date of the record. 21 CFR 1002.30 (retention: 1002.31)

2.31 Dealers and distributors of certain electronic products. [Amended]

To maintain, for products for which the retail price is greater than $50.00, information as necessary to permit tracing of specific products to specific purchasers.

Retention period: 5 years from the date of sale, award, or lease of such product. 21 CFR 1002.40, 1002.41

2.32 Manufacturers, packers, distributors, and retailers promoting retail sales promotions.

To maintain invoices and other records relating to "cents-off" coupons or other savings representations and to package size savings.

Retention period: 1 year subsequent to end of year in which promotion occurs. 21 CFR 1.1d, 1.1e

2.33 Hospitals and other authorized dispensers of methadone.

To maintain clinical record for each patient showing dates, quantity, and batch or code mark of drug dispensed.

Retention period: 3 years. 21 CFR 130.44

2.34 Manufacturers of methadone.

To maintain signed invoices of methadone delivered to licensed practitioner.

Retention period: Not specified. 21 CFR 130.44

2.35 Persons introducing or moving food shipments into interstate commerce who are not the original processors or packers. [Added]

To keep records of agreements with operators of food processing establishments, signed by and containing the post office addresses of such persons and such operators, and containing specifications for the processing, labeling, or repacking to insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after date of final shipment or delivery from the establishment. 21 CFR 1.10a

2.36 Processors of thermally-processed low-acid foods packaged in hermetically sealed containers. [Added]

To retain at the processing plant all records of processing, deviations in processing, container closure inspections, and other records including those of recalls.

Retention period: 3 years. 21 CFR 90.20, 128b.8

2.37 Manufacturers or persons employing food additive amino acids to improve the protein value of food. [Added]

To keep and maintain records of tests of effectiveness.

Retention period: During period of use of the additive(s) and for 3 years thereafter. 21 CFR 121.1002

2.38 Sponsors of approved new animal drug applications. [Added]

To maintain full reports of information pertinent to the safety or effectiveness

of new animal drugs not previously submitted as part of approved applications.

Retention period: Not specified. 21 CFR 135.14a

2.39 Manufacturers, packers, and distributors of cosmetic products. [Added]

To maintain all correspondence and records pertaining to alleged cosmetic product injuries.

Retention period: 3 years. 21 CFR 174.5

2.40 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients. [Added]

To maintain a manual of standard procedures and methods to be followed by employees to determine suitability of donors, and to maintain records of names and qualifications of persons in charge of employees who determine the suitability of donors when a physician is not present.

Retention period: Not specified. 21 CFR 640.3

2.41 Manufacturers of source plasma (human). [Added]

To keep separate and complete records for donors of all initial and periodic examinations, tests, laboratory data, interviews, etc., including donors' written consent for participation in the plasmapheresis program and certifications of good health.

Retention period: Not specified. 21 CFR 640.69

3. Public Health Service [7]

3.1 Institutions receiving grants for research projects. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.2 States and State agencies receiving Federal funds for construction and modernization of hospitals and medical facilities. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.3 Public or private nonprofit agencies, institutions, or organizations receiving grants for family health center projects. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.4 Public or nonprofit agencies and organizations receiving grants for initial cost of professional and technical personnel of community mental health centers. [Amended]

To maintain such records, books, documents, and papers as the Secretary shall prescribe that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, in addition to any other records required by the regulations of 45 CFR Part 74.

Retention period: 3 years from date of submission of annual or final report, or if Federal audit not completed at end of 3 years, until resolution of all audit questions.[8] 42 CFR 54.308, 54.309

3.5 State health agencies, public or nonprofit private agencies, institutions, or organizations receiving grants for dental health of children. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.6 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified (b) 3 years after completion of the contract. 42 CFR 57.8

3.7 Public or nonprofit private schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, and public health receiving Federal grants for the construction of teaching facilities for health personnel.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 3 years after close of fiscal year in which construction is completed or if audit has not occurred, for 5 years after close of fiscal year in which construction is completed or until applicant is notified of completion of Federal audit, whichever is earlier; [9] (b) 3 years after completion of the contract. 42 CFR 57.107, 57.108

3.8 Institutions participating in the health professions and the nursing student loan programs.

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately.

Retention period: Until agreed with the Secretary that there is no further need for retention. 42 CFR 57.215, 57.315

3.9 Public or nonprofit private schools receiving Federal funds for construction of nurse training facilities.

To maintain (a) accounting and fiscal records and accounts for all funds provided from any source to pay cost of construction project, and (b) payroll records and kickback statements for all laborers and mechanics working at the project site.

Retention period: (a) 3 years after close of fiscal year in which construction is completed; or if Federal audit has not occurred, 5 years or until applicant is notified of completion of audit, whichever is earlier; [9] (b) 3 years after completion of the project. 42 CFR 57.407, 57.408

3.10 Public or nonprofit schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine receiving Federal funds to support their educational programs, for scholarship funds and for special projects. [Amended]

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after close of period of time during which grantee may obligate funds (budget period) if grantee notified of completion of Federal audit. If grantee not so notified such records shall be retained for 5 years after close of budget period or until grantee is notified of completion of audit, whichever comes first.[9] 42 CFR 57.513, 57.611, 57.1112

3.11 Public or nonprofit schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.12 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and

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[7] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.28–2.31

[8] Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.22

[9] In all cases where audit questions have arisen before expiration of such 5 year period, records shall be retained until resolution of all such questions.

accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.13 Public or private nonprofit institutions receiving Federal grants for improving and expanding medical libraries. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.14 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Secretary. 42 CFR 59a.37

3.15 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.16 State and State agencies receiving grants for the support of communicable disease control programs. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.17 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all construction, financial and other records relating to the use of the grant funds.

Retention period: Until records have been audited unless a different period is permitted or required in writing by the Secretary. 42 CFR 54.405

3.18 State and State agencies receiving grants for comprehensive health planning. [Amended]

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program, in addition to other records required by the regulations in 45 CFR Part 74.

Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.4, 51.9

3.19 State health or mental health authorities receiving grants for comprehensive public health services. [Amended]

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan, in addition to any other records required by the regulations in 45 CFR Part 74.

Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.104, 51.111

3.20 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967.

To maintain (a) records relating to the observations of each step in the examination of specimens, the identity of the specimens, laboratory reports, quality control procedures, and maintenance of equipment and instruments; and (b) personnel records.

Retention period: (a) At least 2 years after date of submittal of report except as otherwise prescribed in the part or authorized by the Secretary; (b) on a current basis. 42 CFR 74.50, 74.52, 74.53

3.21 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology).

Clinical laboratories with small or infrequent operations in which no more than 100 specimens are accepted during any calendar year and which hold an unrevoked or unsuspended letter of exemption are to maintain and make available such accession and other records as the Secretary may find necessary to determine initial and continuing eligibility for exemption.

Retention period: Not specified. 42 CFR 74.2

3.22 State agencies receiving Federal grants for maternal and child health services and crippled children's services.

To maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State plan, and a complete equipment inventory for equipment or supplies purchased with grant funds.

Retention period: Not specified. 42 CFR 200.16, 200.27

3.23 State agencies receiving Federal grants for child welfare services. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21, 220.75

3.24 State agencies receiving Federal grants for child welfare services which have purchased items of equipment and supply in carrying out the annual budget. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.25 State health agencies or public or nonprofit private agencies and institutions receiving project and personnel training grants for family planning services. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.26 State and local public agencies and public or nonprofit institutions of higher learning receiving Federal grants for research projects relating to maternal and child health services and crippled children's services, and research or demonstration projects relating to child welfare services. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.27 Public or nonprofit private schools of nursing receiving Federal funds for scholarship grants and for support of their educational programs.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comse first.[8] 42 CFR 57.911, 57.1013

See footnote 8 on page 10692.

See footnote 9 on page 10692.

3.28 Public and nonprofit agencies or institutions receiving grants for the advancement of health in coal mining. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.29 Approved Psittacine Bird Treatment Centers.

To maintain complete records of all birds received, treated and shipped, including date of each shipment and name and address of consignee.

Retention period: Not specified. 42 CFR 71.163

3.30 Local government units receiving grants for the detection and prevention of lead-based paint poisoning. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.31 Public or nonprofit agencies receiving grants for migrant health services. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.32 Schools receiving grants to improve the quality of training centers for allied health professions.

To maintain progress and fiscal records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[9] 42 CFR 57.716

3.33 Schools receiving grants for the construction of teaching facilities for allied health professions personnel.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after the completion of the contract. 42 CFR 57.808

3.34 Public or nonprofit 2-year schools of medicine receiving grants for conversion to a school accredited to grant the degree of doctor of medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[9] 42 CFR 57.1310

3.35 New public or nonprofit schools of medicine, dentistry, and osteopathy receiving grants to meet their initial cost of operation.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[9] 42 CFR 57.1413

3.36 Public or nonprofit hospitals receiving grants for training, traineeships, and fellowships in family medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.[9] 42 CFR 57.1612

3.37 Public and private nonprofit agencies or institutions receiving research and demonstration grants relating to occupational safety and health. [Amended]

To maintain such progress and fiscal records relating to the approved project as the Secretary may prescribe in addition to any other records required by the regulations of 45 CFR Part 74.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[9] 42 CFR 87.24, 87.40, 87.41

3.38 Applicants for certification of gas detector tube units. [Added]

To maintain quality control inspection records as specified in section cited.

Retention period: Not specified. 42 CFR 84.33

4. Social Security Administration

4.1 States under agreement for voluntary coverage of State and local government employees.

To keep or cause to be kept records of a State and of political subdivisions of a State included under an agreement in a location accessible to and open for inspection by authorized officials of the Social Security Administration. Such records must show the amount of noncash remuneration paid as well as cash remuneration (tip and nontip) paid to each employee for services covered under the agreement, the amount of employees' contributions withheld from such remuneration, and the period in which it was paid; such forms and systems of accounting as will enable the Administration to determine the amount of contributions for which the State is liable and whether they have been paid; such records as are necessary to establish the coverage status of individuals, e.g., the employees choice in a referendum on a desire for coverage basis referendum; records of claims for credit or refund and the supporting statement which is the basis for the claim for credit or refund; records of each employee's wages which are subject to the limitation of liability; where the agricultural exclusion was taken must identify in its records those employees who performed agricultural labor and each period during which such services were rendered.

Retention period: For 4 years (or longer if the State or political subdivision so desires) after the date the contributions were due or were paid, whichever is later. These records must be retained for the prescribed period even though the coverage of the entity has been terminated. Records for claims for credit and refund—for 4 years after the date the claim is filed even though the coverage of the entity involved has been terminated. 20 CFR 404.1256

4.2 [Reserved]

4.3 Hospitals, skilled nursing facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged and disabled program. [Amended]

To keep clinical and other medical records, utilization review committee reports, physicians certifications, and recertifications.

Retention period: Hospitals, in accordance with statute of limitations in the respective State; skilled nursing facilities, in accordance with State law or for 5 years in absence of a State statute; others, not specified. 20 CFR 405.1026, 405.1035(h), 405.1132, 405.1137(h), 405.1228, 405.1241, 405.1243, 405.1625

4.4 Hospitals, skilled nursing facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary

See footnote 8 on page 10692.

See footnote 9 on page 10692.

to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 20 CFR 405.406

4.5 Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 20 CFR 405.1036

4.6–4.7 [Reserved]

4.8 Clinical laboratories.

To maintain records of laboratory reports.

Retention period: Not specified. 20 CFR 405.1316(e)(2)

4.9 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records and furnish information to substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487

4.10–4.11 [Reserved]

4.12 Suppliers of portable X-ray services for Medicare beneficiaries.

To maintain records of each patient receiving services and the name of the doctor ordering such services.

Retention period: At least 2 years or for the period of time required by State law, whichever is longer. 20 CFR 405.1414

4.13 Public health agencies, rehabilitation agencies, and clinics providing outpatient physical therapy and/or speech pathology services. [Amended]

To maintain clinical records for each patient receiving physical therapy services.

Retention period: In accordance with State law, or 5 years in the absence of State statute. 20 CFR 405.1723

5. Social and Rehabilitation Service

5.1–5.12 [Deleted. Grants programs, see IV 6.4]

REHABILITATION SERVICES ADMINISTRATION

5.20 Grantees receiving Federal funds for the construction of university-affiliated facilities for the mentally retarded.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4

5.21 State and public or nonprofit private agencies receiving Federal funds for services and construction of developmental disabilities facilities.

To maintain records and accounts as required by Part C of the Developmental Disabilities and Facilities Construction Act and regulations of 45 CFR Part 416.

Retention period: 3 years or longer if audit findings have not been resolved; nonexpendable property, 3 years after final disposition of such property. 45 CFR 416.38

5.22 [Reserved]

5.23 Public and nonprofit agencies and organizations receiving Federal funds for initial cost of professional and technical personnel for community mental retardation facilities. [Amended]

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the staffing project, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: 3 years after submission of annual or final report, or if Federal audit not completed at the end of 3 years, until resolution of all audit questions. 45 CFR 416.94, 416.98, 416.99

5.24 [Deleted. Grant programs, see IV 6.4]

5.25 State agencies receiving Federal grants for the provision of vocational rehabilitation services. [Amended]

To maintain (a) such written personnel policies, records and other information as necessary to permit an evaluation of personnel operations in relation to the State agency's standards; and (b) such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: 3 years after submission of annual or final report, or if Federal audit not completed at end of 3 years, until resolution of all audit questions. 45 CFR 401.12, 401.18, 401.19

5.26 [Reserved]

5.27 State agencies or other public or nonprofit organizations or agencies receiving grants for the construction of workshops and rehabilitation facilities. [Amended]

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project; and (b) payroll records and kickback statements for all laborers and mechanics working at the project, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 404.6, 404.22

5.28 Employees or organizations participating with the Social and Rehabilitation Service in contracts or jointly financed cooperative arrangements for projects with industry relating to handicapped individuals.

To keep such records and accounts as the Administrator, Social and Rehabilitation Service may require.

Retention period: Not specified. 45 CFR 403.67

5.29 [Reserved]

OFFICE FOR PLANNING, RESEARCH, AND TRAINING

5.30 Institutions of higher learning and associations receiving financial assistance for expansion and development of undergraduate and graduate programs in social work.

To maintain fiscal records for each period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit, and such other records as the Service may require.

Retention period: Not specified. 45 CFR 280.12

5.31–5.39 [Reserved]

OFFICE OF YOUTH DEVELOPMENT

5.40 State, public or nonprofit private agencies or organizations receiving Federal grants for juvenile delinquency and youth development programs and activities.

To maintain (a) grant accounting records, identifiable by grant number; (b) inventories and records supporting accountability of equipment which cost $300 or more per item; and (c) to keep such records and afford such access thereto as the Administrator, Social and Rehabilitation Service may find necessary to assure the correctness and verification of reports submitted to him.

Retention period: (a) Until audit or 5 years after end of budget period, whichever is the less; (b) until completion of review and audit covering disposition of such equipment; (c) not specified. 45 CFR 270.21, 270.23, 270.40, 270.42, 270.69, 270.75, 270.90, 270.92, 270.130, 270.132, 270.150, 270.152, 270.170, 270.172, 270.187, 270.189, 270.209, 270.211

5.41 State or other public agencies receiving Federal grants for construction of juvenile delinquency rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 270.110

5.42–5.49 [Reserved]

MEDICAL SERVICES ADMINISTRATION

5.50 Persons or institutions providing services under a State plan for medical assistance.

To keep such records as are necessary to disclose the extent of the services pro-

vided to individuals receiving assistance under the plan.

Retention period: Not specified. 45 CFR 250.21

5.51 Institutions conducting training programs in nursing home administration under grants from Social and Rehabilitation Service.

To retain records of all costs related to courses provided, and persons trained.

Retention period: 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier, or until resolution of all audit questions. 45 CFR 252.20

5.52 State agencies administering plans for medical assistance for skilled nursing home care.

To maintain on file for ready access by the Department of Health, Education, and Welfare all information and reports used in determining whether a skilled nursing home meets the requirements specified in the regulation.

Retention period: 3 years. 45 CFR 249.33

5.53–5.59 [Reserved]

ASSISTANCE PAYMENTS ADMINISTRATION

5.60 State agencies administering public assistance programs.

To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary. 45 CFR 205.60

5.61 State and local agencies participating in public assistance programs.

To maintain accounting and fiscal records relating to the expenditure of funds.

Retention period: 3 years from date of submission of expenditure report or until resolution of audit questions; for nonexpendable property, 3 years after final disposition of such property. 45 CFR 205.145

6. General Administration

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes.

To maintain accurate accountability records of all donable property received, warehoused, and distributed by each State agency. Accountability records of all single items having acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

Retention period: Minimum of 5 years. 45 CFR 14.6

6.2 State and local agencies acquiring real property. [Amended]

To maintain (1) records of relocation payments made and assistance furnished, and notifications to persons and businesses displaced; and (2) documents associated with an appeal.

Retention period: (1) As prescribed by regulations for affected program but not less than 3 years; (2) 3 years. 45 CFR 15.52, 15.54

6.3 Contractors and subcontractors subject to HEW Procurement Regulations.

(a) To maintain records of work orders for maintenance, equipment, purchase orders of quality control, receiving and inspection records, and expendable property records.

(b) To maintain stores requisitions for materials, supplies, and equipment.

Retention period: (a) 4 years following completion or termination of contract; (b) 2 years. 41 CFR 103–27.5409

6.4 State and local governments, institutions of higher learning, hospitals, and other nonprofit organizations receiving HEW grants. [Added]

To maintain financial records, supporting documents, statistical records, nonexpendable property records, and any other records pertinent to an HEW grant.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of unexpendable property, 3 years after final disposition of such property); or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit findings.

Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.20, 74.21, 74.22.

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 State, and public and private agencies participating in relocation assistance programs.

To maintain records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of the federally assisted activities. 24 CFR 41.11(i), 42.195, 500.104(i), 550.107(g)

1.2–1.5 [Reserved]

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program.

To maintain books, documents, papers, and records that are pertinent.

Retention period: 3 years after final adjustment. 24 CFR 1906.38

1.7 Agencies designing, constructing or altering publicly-owned residential structures.

To maintain records relating to each contract, grant, or loan involving such publicly-owned residential structures.

Retention period: Not specified. 24 CFR 40.6

1.8 Developers of new communities.

To maintain records of costs incurred for the project, including those of contractors and subcontractors.

Retention period: Not specified. 24 CFR 710.22

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement and mobile home loans. [Amended]

To keep complete credit and collection file pertaining to each eligible property improvement or mobile home loan transaction, which will accompany any claim for loss made by the insured.

(a) A property improvement loan file will include the borrower's application for a title I loan, the original note, completion certificate(s), certifications with respect to carpeting, and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 201.2, 201.4, 201.6, 201.8, 201.10, 201.11

(b) A mobile home loan file will include a dated credit application form executed by the borrower, a commercial credit report obtained by the insured on the borrower or evidence that the insured has made an adequate investigation of the borrower's credit. The file will also include the obligation document, a record of advance notice of intention to disburse proceeds of the loan, a number of certificates pertaining to mobile home

standards, sanitary facilities and codes, zoning, and placement, and manufacturer's warranty instrument.

Retention period: Not specified. 24 CFR 201.520, 201.525, 201.545, 201.570, 201.575, 201.605, 201.610, 201.665

2.2 Lending agencies—title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8, 201.595

2.3 Project mortgagors under the National Housing Act.

(a) To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 205.127, 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 227.1, 232.87, 233.505, 235.830, 236.1, 242.65, 242.79, 244.105

(b) Where neither mortgagor nor any of its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have any interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 205.110–205.125, 207.27, 213.35, 213.37, 220.501, 221.550, 227.1, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155–241.160, 242.251, 244.147–244.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To maintain such books, records, and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 238.255

2.5 Lending agencies for project mortgages insured under the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR Parts 205, 207, 210, 211, 213, 220, 221, 224, 227, 229, 231–236, 241, 242, 244

2.6 Mortgagors of new or rehabilitated multifamily housing insured under the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434

2.7 Mortgages of lower income family homes.

To maintain such records as the Commissioner may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Commissioner, and the biennial recertifications of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Commissioner. 24 CFR 235.365

3. Office of Assistant Secretary for Policy Development and Research

3.1 Contractors and subcontractors with research and development contracts.

To maintain books, records, documents and other supporting evidence relating to the contract and such other records as specified in 41 CFR 1–20.301—1–20.301–3.

Retention period: Various. 41 CFR Part 1–20

4. Office of the Assistant Secretary for Housing Management

4.1 Lending agencies for mortgages of lower income family homes.

To maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertification of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Assistant Secretary. 24 CFR 420.5

4.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 24 CFR 490.13

5. Office of Assistant Secretary for Equal Opportunity [Added]

5.1 Applicants, recipients, contractors, and subcontractors of assistance projects subject to section 3 of the Housing and Urban Development Act of 1968.

To maintain such records and accounts as required by the Secretary.

Retention period: Not specified. 24 CFR 135.120

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 State agencies participating in relocation assistance programs. [Added]

To maintain records pertaining to such programs.

Retention period: At least 3 years. 41 CFR 114–50.407–3

1.2 Contractors and subcontractors.

To maintain books, records, and other evidence of accounting practices to reflect costs claimed and incurred in performance of contract.

Retention period: 3 years from final payment of contract or as specified by Federal procurement regulations whichever expires earlier, and for such longer period as required by statute or contract. 41 CFR 14–51.104–1

2. Fish and Wildlife Service

2.1 Operators of commercial preservation facilities receiving or having in custody migratory game birds. [Amended]

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the last entry on record. 50 CFR 20.82

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Bureau of Sport Fisheries and Wildlife for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period. 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.3)

2.4 [Reserved]

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.3)

2.6 State fish and game departments conducting fish and wildlife restoration projects with Federal aid. [Amended]

To maintain cost records, accounts, and supporting documents relating to each project.

Retention period: 3 years after submission of final expenditure report. 50 CFR 80.27, 80.28

2.7 Persons authorized to use an identification symbol in labeling packages or containers.

To maintain records of all fish and wildlife specimens, or parts thereof, which are shipped, transported, carried, brought, or conveyed in interstate or foreign commerce under the Endangered Species Conservation Act.

Retention period: As specified in permit. 50 CFR 17.9

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3 Lessees of geothermal resources operations on public, acquired, and withdrawn lands. [Added]

To maintain records of all well operations as specified in section cited.

Retention period: Until completion of well; and such records are to be turned over to the Supervisor within 30 days. 30 CFR 270.37

3.4–3.7 [Reserved]

3.8 Operators of mines on leased public or Indian lands.

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.60

3.9 Oil and gas and sulphur lessees (Outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.38

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. [Reserved]

6. Mining Enforcement and Safety Administration [Added]

6.1 Operators of metal and nonmetal mines.

To maintain records of instruction on fire alarms signals and procedures.

Retention period: 2 years. 30 CFR 55.4, 56.4, 57.4

6.2 Operators of metal and nonmetal mines.

To maintain written records of investigations of accidents and a copy of report relating thereto.

Retention period: 3 years from date of accident. 30 CFR 58.23, 58.31

6.3 Operators of underground coal mines.

To maintain records of tests, examinations, and inspections required by mandatory safety standards.

Retention period: Not specified. 30 CFR 75.1800–75.1808

6.4 Operators of underground coal mines.

To maintain a list of all certified and qualified persons designated to perform duties under 30 CFR Parts 75 and 77.

Retention period: Not specified. 30 CFR 75.159, 77.106

6.5 Operators of coal mines.

To maintain (a) written records of investigations of accidents and (b) a copy of report relating thereto.

Retention period: (a) 5 years from date of the accident, 30 CFR 80.22, 80.23; (b) 5 years from date of occurrence, 30 CFR 80.31

7. Bureau of Mines

7.1 [Transferred to VI 6.5]

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas. [Amended]

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: Not specified. 30 CFR 42.7

7.3 State agencies, organizations, institutions (public and private), or individuals receiving Federal grants for solid waste disposal projects, health and safety programs in coal mines, and research.

(a) To maintain books of account and supporting papers of financial transactions involving Federal grants and those financed with matching funds from other sources.

(b) To maintain accountability record of all property items with expected life of more than 1 year and acquisition cost of $100 or more.

Retention period: (a) 3 years after last payment to grantee; (b) not specified. 30 CFR 51.18

7.4 [Transferred to VI 6.2]

7.5 [Transferred to VI 6.3]

7.6 Private helium distributors selling to Federal agencies.

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 2.4

7.7 [Transferred to VI 6.4]

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. [Reserved]

11. Office of Oil and Gas

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq. [Amended]

To keep all books and records relating to any activities which require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General, Criminal Division, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.2 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

1.3–1.10 [Reserved]

1.11 Manufacturers, distributors, dispensers, researchers, importers, exporters, and chemical analysists subject to the Controlled Substances Import and Export Act. [Amended]

To maintain records and inventories of each substance manufactured, imported, received, sold, delivered, exported, or disposed of in accordance with Part 1304.

Retention period: 2 years. 21 CFR 1304.3, 1304.11—1304.27, 1308.24 (retention: 1304.04)

1.12 Recipients of assistance under the Omnibus Crime Control and Safe Streets Act of 1968. [Amended]

To maintain records as required in 28 CFR Part 42.

Retention period: Not specified. 28 CFR 42.305

VIII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency. [Amended]

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 18.703–1; 41 CFR 1–12.403–1, 1–18.703–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a)(3)(i) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e);

516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965.

To keep records relating to work classifications, wages, fringe benefits, hours worked, and safety and health standards.

Retention period: 3 years from completion of the work. 29 CFR 4.6(g), 4.185, 1925.3; 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Sponsors of apprenticeship and training programs and State apprenticeship agencies.

To maintain records on qualification and evaluation of each applicant and other records of compliance with regulations including affirmative action plans and qualification standards.

Retention period: 5 years. 29 CFR 30.8

1.7 Sponsors of work training and experience programs under the Neighborhood Youth Corps.

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41

1.8 [Reserved]

1.9 Contractor or subcontractors employing apprentices and trainees on Federal and federally assisted construction. [Amended]

To keep records of employment by trades of the number of apprentices and trainees, the number of apprentices and trainees by first year of training, the number of journeymen, and the wages paid the apprentices, trainees, and journeymen.

Retention period: During the performance of each contract. 29 CFR 5a.3; 41 CFR 1–18.703–1

1.10 State or local government agency, public agency, Indian tribes on Federal or State reservations, or institutions receiving grants under the Emergency Employment Act of 1971.

To maintain records and accounts, including records of property purchased with non-Federal shares, and personal and financial records.

Retention period: 3 years after expiration of grant. 29 CFR 55.17, 55.31a, 55.42, 55.51

1.11 Sponsors and subcontractors of work incentive programs.

To maintain records and accounts including records of property purchased with non-Federal share, and financial and personnel records.

Retention period: 3 years after completion or final payment under agreement, whichever is later, or until resolution of all audit questions. 29 CFR 56.36

2. Employment Standards Administration

2.1 Physicians and hospitals treating Federal employees covered by the Federal Employees' Compensation Act.

To keep records of all injury cases treated by them sufficient to supply the Office of Federal Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the District of Columbia Workmen's Compensation Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act. [Amended]

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23, 41.22, 702.111

2.3 Insurance carriers and self-insured employers subject to Longshoremen's and Harbor Workers' Compensation Act, as extended by the District of Columbia Workmen's Compensation Act, the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act. [Added]

To make, keep, and preserve such records as the Secretary deems necessary or appropriate to carry out his responsibilities under section 44.

Retention period: Not specified. 20 CFR 702.148

2.3a Operators subject to Part C of Title IV, Federal Coal Mine Health and Safety Act, as amended. [Added]

To keep receipts for payments made to disabled miners, or in case of death, his dependents or personal representative.

Retention period: Not specified. 20 CFR 725.336

2.4 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep unexpired certificate of age of employee issued and held pursuant to the Fair Labor Standards Act.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

(b) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(c) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

2.5 [Reserved]

2.6 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6

2.7 [Reserved]

2.8 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages (including retroactive payment of wages), hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, upon agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order shipping and billing records (customers bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.11–516.29

2.9 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 521.8 (a) and (c)

2.10 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 521.8 (b) and (c)

2.11 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 522.7

2.12 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications filed in accordance with 520.4(a) and of any special certificates issued under which student-learners are employed (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 520.7

2.13 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 524.10

2.14 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep (a) records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and (b) records required under applicable provisions of 29 CFR Part 516.

Retention period: (a) 2 years; (b) 3 years. 29 CFR 516.5, 516.30, 525.13

2.15 Educational institutions employing student-workers as learners under certificates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 527.7

2.16 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 519.7

2.17 Retail or service establishments subject to Fair Labor Standards Act employing commission employees exempt from overtime pay requirements pursuant to section 7(h).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and noncommission straight time earnings.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

2.18 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 530.8, 530.9

2.19 [Reserved]

2.20 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: 3 years. 29 CFR 530.12 (retention: 516.5)

2.21 Employers of homeworkers in industries in Puerto Rico.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) personnel and wage and hour (including retroactive pay) records as indicated in section cited.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 545.7

2.22–2.24 [Reserved]

2.25 Employers of homeworkers in industries in the Virgin Islands.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) records relating to such homeworkers including wages and hours and retroactive pay.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 695.6 (retention: 695.7)

2.26 [Reserved]

2.27 Employers of local delivery drivers and helpers.

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: 3 years. 29 CFR 516.15, 551.9 (retention: 516.5)

2.28 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967.

(a) *Employers*—(1) To keep records for each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week; (2) when made in the regular course of business, to keep personnel or employment records related to job applications, promotion or discharge, job orders submitted to employment agency or labor organization for recruitment of personnel, test papers of employer-administered aptitude or other employment test, results of physical examinations considered in connection with personnel action, and advertisements; (3) to keep any employee benefit plans; (4) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 3 years, (2) 1 year, (3) 1 year after termination of plan, (4) 90 days. 29 CFR 850.3

(b) *Employment agencies*—(1) To keep records related to placements, referrals, job orders, job applications, test papers, and advertisements; and (2) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 1 year; (2) 90 days. 29 CFR 850.4

(c) *Labor organizations*—To keep records of name, address, and date of birth of members, and any individual seeking membership in the organization.

Retention period: 1 year. 29 CFR 850.5

2.29 [Reserved]

2.30 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To maintain (a) certificates of age, (b) written training agreements, and (c) such other employment records as required by 29 CFR Part 516.

Retention period: (a) Until termination of employment, (b) duration of training program, (c) 3 years. 29 CFR 516.5, 516.33, 570.3, 570.35a, 570.72

2.31–2.35 [Reserved]

2.36 Contractors or subcontractors subject to equal opportunity in employment regulations.

(a) To maintain records and documents relating to nature and use of tests, validation of tests, and test results as required.

(b) To keep employment or other records as required by the Director, Office of Federal Contract Compliance, the contracting agency, or an applicant for Federal assistance concerning the contract, including the development and retention of written affirmative action compliance programs to be updated annually.

Retention period: Not specified. (a) 41 CFR 60–3.15; (b) 41 CFR 1–12.805–4, 60–1.7, 60–1.40, 60–2, 60–5.21, 60–6.21, 60–7.21, 60–8.21

3. Labor-Management Services Administration

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 204.24, 403.7

3.4 Employers required to report payments or agreements or arrangements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 408.10

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 204.-29, 452.106

3.8 Officials designated in the constitution and bylaws, or the secretary if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 204.-29, 452.134

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act.

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, applicable resolutions and records of any written authorization delegating authority to sign any description or report.

Retention period: 5 years. 29 CFR Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide

in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Occupational Safety and Health Administration

4.1 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1919.10, 1919.11

4.2 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1919.12

4.3 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1918.61

(b) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1918.93

(c) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1915.10, 1916.10, 1917.10

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep an annual summary of occupational illnesses and accidents.

Retention period: 5 years after date of entry. 29 CFR 1904; 41 CFR 50–201.502

4.5 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50–204.32

4.6 State agencies receiving development and planning grants for occupational safety and health.

To maintain records consistent with pertinent instructions.

Retention period: Not specified. 29 CFR 1950.11

4.7 Employers subject to the Occupational Safety and Health Act of 1970.

To maintain records for each occupational injury and illness, including an annual summary, and also a supplemental record in detail according to OSHA Form 101.

Retention period: 5 years. 29 CFR 1904.2, 1904.4–1904.6

4.8 Employers subject to the asbestos standard.

To maintain records of (a) any personal or environmental monitoring required by section cited, and (b) all employee medical examinations.

Retention period: (a) 3 years, (b) 20 years. 29 CFR 1910.93

4.9 Employers subject to the ionized radiation standard.

To maintain records of radiation exposure of all employees who are personally monitored.

Retention period: Indefinite. 29 CFR 1910.96

4.10 State agencies receiving grants implementing approved State plans in the occupational health and safety program.

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant program.

Retention period: 3 years, or longer if audit findings not resolved; for nonexpendable property, 3 years after final disposition. Microfilm copies may be substituted for the originals. 29 CFR 1951.47

IX. [Reserved]

X. DEPARTMENT OF STATE

1. Office of Munitions Control

1.1 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

2. Agency for International Development [10]

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.10

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

2.3 AID service contractors and subcontractors. [Amended]

To retain records, books, documents, and other supporting evidence pertaining to the contract.

Retention period: 3 years after final payment under the contract or subcontract or as otherwise specified. 41 CFR 1–20, 7–7.5201–8, 7–7.5201–9

[10] For other AID contractors, see XXIX, Items 1.3, 1.13, 1.14.

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953, as amended, and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 [Reserved]

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on

the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 [Reserved]

2.6 **Investments in securities by national banks: credit information required.**

To maintain credit information demonstrating prudence in evaluating public and investment securities.

Retention period: Not specified. 12 CFR 1.8

2.7 **Security devices required in national banks.**

To maintain records showing the name(s) and title(s) of law enforcement officer(s) who advises bank on installation, maintenance, and operation of appropriate security devices.

Retention period: Not specified. 12 CFR 21.5(b)

3. United States Customs Service

3.1–3.5 [Reserved]

3.6 **Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.**

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 **Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.**

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 **Manufacturers, processors, or dealers of articles of wool or hair of the camel.**

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 **Licensed cartmen and lightermen.** [Added]

To maintain written records relating to cartage and lighterage as may be required by district directors of Customs for local Customs administration.

Retention period: Not specified. 12 CFR 112.29

3.10 **Importers of petroleum products subject to duty at a specific rate transferred to shore storage tanks.** [Added]

To maintain file of plans of each shore tank and certified gauge tables at the plant of the oil company.

Retention period: Not specified. 19 CFR 151.44

3.11 **Operators of importing vessels, aircraft, or vehicles.**

To maintain evidence to support a claim of nonimportation or proper disposition of merchandise manifested but not found on board the importing vessel, aircraft, or vehicle.

Retention period: 1 year. 19 CFR 4.12, 6.7, 123.9

3.12 **Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.**[11]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of statement. 19 CFR 19.19

3.13 **Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.**

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 **Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.**[11]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 **Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.**[11]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 **Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d) Tariff Act of 1930, as amended.**[11]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 **Licensed customhouse brokers.** [Amended]

To keep current records of account reflecting all their financial transactions as

[11] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 6 years after the date of revocation. Records may be retained on microfilm pursuant to section cited. 19 CFR 111.21, 111.22 (retention: 111.23)

3.18 Importers of merchandise subject to actual use provisions.

To maintain records showing use or disposition of imported merchandise.

Retention period: 3 years from date of liquidation of entry. 19 CFR 10.137

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1974. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, and Excise Taxes.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax under section 501(a) of the Code shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001–1

4.1a Section 38 property; computation of investment credit and qualified investment.

(a) *Component members of a controlled group on a December 31 apportionment of $25,000 amount.* To keep as a part of its records a copy of the statement containing all the required consents to the apportionment plan. 26 CFR 1.46–1

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46–3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47–1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47–3, 1.47–4, 1.47–5, 1.47–6

(e) *Persons selecting used section 38 property, $50,000 cost limitation.* To maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member, other than the filing member, of a controlled group shall retain as part of its records a copy of the apportionment statement which was attached to the filing member's return. 26 CFR 1.48–3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48–4

Retention period: See Item 4.1

4.1b Persons claiming that a recomputation of the work incentive program (WIN) credit is not required by the early termination of a participating employee. [Added]

To maintain sufficient records to support claim that a termination of employment falls within the exceptions specified in the section cited.

Retention period: Expiration of the pertinent period of limitations. 26 CFR 1.50A–4

4.1c Persons not totally blind claiming the additional exemption for blindness. [Renumbered]

To retain a copy of the certified opinion of the examining physician skilled in the disease of the eye that there is no reasonable probability that his visual acuity will ever improve beyond the minimum standards described in section 1.151–1 (d)(3) of the regulations. 26 CFR 1.151–1(d)(4)

Retention period: See Item 4.1.

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures. 26 CFR 1.162–17, 1.274–5

Retention period: See Item 4.1.

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income. [Amended]

To keep records and accounts with respect to basis of property, depreciation rates, reserves, salvage, retirements, adjustments, elections, property excluded from elections, cost of repair, maintenance or improvement of property, agreements with respect to estimated useful life, rates of salvage, and other factors. 26 CFR 1.167(a)–7, 1.167(a)–11, 1.167(d)–1.

Retention period: See Item 4.1.

4.3a Persons changing method of depreciation of section 1245 or section 1250 property.

To maintain records which permit specific identification of section 1245 or section 1250 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value. the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)–1, 1.167(j)–1

Retention period: See Item 4.1.

4.3b Persons claiming depreciation with respect to residential rental property.

To maintain a record of the gross rental income derived from a building, and the portion thereof which constitutes gross rental income from dwelling units, in addition to records required under section 1.167(a)–7(c) with respect to property in a depreciation account. 26 CFR 1.167(j)–3

Retention period: See Item 4.1.

4.3c Persons claiming depreciation of expenditures to rehabilitate low-income rental housing.

To maintain detailed records which permit specific identification of the rehabilitation expenditures that are permitted to be allocated to individual dwelling units under the allocation rules and income certifications that must be obtained from tenants who propose to live in rehabilitated dwelling units after the close of the certification year. 26 CFR 1.167(k)–2, 1.167(k)–3

Retention period: See Item 4.1.

4.3d Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable. 26 CFR 1.170–2, 1.170A–2

Retention period: See Item 4.1.

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure. 26 CFR 1.177–1

Retention period: See Item 4.1.

4.5 Persons electing additional first-year depreciation allowance for section 179 property.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179–4

Retention period: See Item 4.1.

4.5a Persons electing to deduct rehabilitation expenditures with respect to certain railroad rolling stock. [Added]

To maintain a separate section 263(e) record, as specified in the section cited, for each unit for which rehabilitation expenditures are deducted, and to maintain records for expenditures deducted as incidental repairs and maintenance. 26 CFR 1.263(e)–1

Retention period: See Item 4.1.

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records of expenses otherwise allowable as deductions which are directly allocable to any class or classes of exempt income and amounts of items or parts of items allocated to each class. 26 CFR 1.265–1

Retention period: See Item 4.1.

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements. 26 CFR 1.274–1, 1.274–5

Retention period: See Item 4.1.

4.7a Corporations using different methods of depreciation for taxable income and earnings and profit.

To maintain records which show the depreciation taken each year and which will allow computation of the adjusted basis of the property in each account using depreciation taken. 26 CFR 1.315–15(d)

Retention period: See Item 4.1.

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption. 26 CFR 1.332–6

Retention period: See Item 4.1.

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation. 26 CFR 1.333–6

Retention period: See Item 4.1.

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange. 26 CFR 1.351–3

Retention period: See Item 4.1.

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.368–3

Retention period: See Item 4.1.

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371–2

Retention period: See Item 4.1.

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371–1

Retention period: See Item 4.1.

4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374–3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)–1 of the regulations applies and to establish the basis thereof. 26 CFR 1.381(c)(6)–1

Retention period: See Item 4.1.

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed. 26 CFR 1.393–3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for recordkeeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401–14

Retention period: See Item 4.1.

4.17 Employers maintaining a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation.

To keep records substantiating all data and information required to be filed with respect to each plan. 26 CFR 1.404(a)–2, 1.404(a)–2A

Retention period: See Item 4.1.

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed. 26 CFR 1.442–1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample. 26 CFR 1.453–1, 1.453–2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456–7

Retention period: See Item 4.1.

4.20 Persons engaged in the production, purchase, or sale of merchandise. [Amended]

(a) *General.* To keep a record of inventory, properly computed and summerized, conforming to the best accounting practices in the trade or business which clearly reflects income, enables inventories to be verified, and is consistent from year to year.

(b) *Manufacturers—full absorption method.* To maintain records and working papers to support burden rate calculations; and to preserve at his principal place of business all records, data, and other evidence relating to the full absorption values of inventory resulting from an election to change to the full absorption method. 26 CFR 1.471–1, 1.471–2, 1.471–11

Retention period: See Item 4.1.

4.20a Supplemental Unemployment Benefit Trusts.

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)–2(j)

Retention period: See Item 4.1.

4.20b Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association. 26 CFR 1.521–1

Retention period: See Item 4.1.

4.20c Controlled entities arm's length charges.

To maintain adequate books and records to permit verification of costs or deductions when a factor in determining the arm's length charge for services rendered to other members of a controlled group. 26 CFR 1.482–2(b)(3)

Retention period: See Item 4.1.

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment. 26 CFR 1.561–2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593–7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595–1

Retention period: See Item 4.1.

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered. 26 CFR 1.611–2

Retention period: See Item 4.1.

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by

a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.* In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613–3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.614–5. 26 CFR 1.611–2, 1.613–6

Retention period: See Item 4.1.

4.23a Mineral property, taxable income computation, allocation of section 1245 gain.

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613–5

Retention period: See Item 4.1.

4.23b Persons computing gross incomes from mining by use of representative market or field price.

To keep records as to the source of his pricing information and relevant supporting data. 26 CFR 1.613–4(c)(5)

Retention period: See Item 4.1.

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts. 26 CFR 1.611–3

Retention period: See Item 4.1.

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. 26 CFR 1.614–2

Retention period: See Item 4.1.

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each

aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made. 26 CFR 1.614–3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614–6

Retention period: See Item 4.1.

4.26b Pooled income fund investing or reinvesting any portion of its properties jointly with other properties.

To maintain records which identify the portion of the total fund which is owned by the pooled income fund and the income earned by, and attributable to, such portion. 26 CFR 1.642(c)–5

Retention period: See Item 4.1.

4.26c Trusts-accumulation distribution allocated to preceding years.

For all taxable years of a trust, the trustee must retain copies of the trust's income tax return as well as information pertaining to any adjustments in the tax shown as due on the return. Trustee shall also retain trust's records required by section 6001 of the Internal Revenue Code and the regulations thereunder for each taxable year for which the period of limitations on assessment of tax under section 6501 of the Code has not expired. 26 CFR 1.666(d)–1A

Retention period: See Item 4.1.

4.26d Life insurance companies, contracts with reserves based on segregated asset accounts.

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801–8(c)

Retention period: See Item 4.1.

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer. 26 CFR 1.820–2

Retention period: See Item 4.1.

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares. 26 CFR 1.852–6, 1.852–7

Retention period: See Item 4.1.

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code. 26 CFR 1.857–6

Retention period: See Item 4.1.

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted. 26 CFR 1.905–2

Retention period: See Item 4.1.

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information. 26 CFR 1.921–1

Retention period: See Item 4.1.

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934–1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income; gross income excluded from base company income and the increase in earnings invested in United States prop-

erty; also, if the Commissioner has issued a determination letter granting authority for excluding certain income from foreign base company income, a copy of the letter shall be retained. 26 CFR 1.954–1(b)(4)(v), 1.964–3, 1.964–4

Retention period: See Item 4.1.

4.32c Election to use the average basis method for certain regulated investment company stock.

To maintain records as are necessary to substantiate the average basis (or bases) used on an income tax return in reporting gain or loss from the sale or transfer of shares. 26 CFR 1.1012–1

Retention period: See Item 4.1.

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made. 26 CFR 1.1014–4

Retention period: See Item 4.1.

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015–1

Retention period: See Item 4.1.

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received. 26 CFR 1.1081–11

Retention period: See Item 4.1.

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution. 26 CFR 1.1101–4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037–1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232–3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. 26 CFR 1.1233–1

Retention period: See Item 4.1.

4.37a Grantors of straddles.

In the case of a multiple option where the number of options to sell and the number of options to buy are not the same or if the terms of all the options are not identical, the grantor must indicate in his records the individual serial number of, or other characteristic symbol imprinted upon, each of the two individual options which comprise the straddle, or by adopting any other method of identification satisfactory to the Commissioner. Such identification must be made before the expiration of the fifteenth day after the day on which the multiple option is granted and is applicable to multiple options granted after January 24, 1972, 26 CFR 1.1234–2

Retention period: See Item 4.1.

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation. 26 CFR 1.1244(e)–1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247–5

Retention period: See Item 4.1.

4.38b Recomputed basis of section 1245 property and additional depreciation adjustments to section 1250 property when such property is sold, exchanged, transferred, or involuntarily converted.

To maintain permanent records which include (1) the date and manner in which the property was acquired, (2) the basis on the date the property was acquired and the manner in which the basis was determined, (3) the amount and date of all adjustments to basis, and (4) similar information with respect to other property having an adjusted basis reflecting depreciation or amortization adjustments by the taxpayer, or by another taxpayer on the same or other property. 26 CFR 1.1245–2, 1.1250–2

Retention period: See Item 4.1.

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. 26 CFR 1.1321–1, 1.1321–2

Retention period: See Item 4.1.

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal holding company income.

(2) In the case of a partnership, separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits. 26 CFR 1.1361–10, 1.1361–14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income.

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375–4; 1.1375–6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S. 26 CFR 1.1461–2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) allocation of Federal income tax liability.

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502–33(d)(2)(i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a)(1) and (b)(1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502–13(c)(5), 1.1502–33, 1.1552–1

Retention period: See Item 4.1

4.41c Withholding agents making payment to nonresident aliens, foreign partnerships, or foreign corporations after December 31, 1971, which are subject to a reduced rate or an exemption from tax pursuant to a tax treaty.

To maintain Form 1001, Ownership, Exemption, or Reduced Rate Certificate.

Retention period: *Coupon bond interest* at least 4 years after the close of the calendar year in which the interest is paid; *Income other than coupon bond interest or dividends* at least 4 years after the close of the calendar year in which the interest is paid; *Noncoupon bond interest* at least 4 years after the interest is paid. 26 CFR 1.1441–6, 1.1461–1

4.42 Tax-exempt organizations.

(a) *General.* To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status. An organization claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim. 26 CFR 1.6001–1, 1.6033–1, 1.6033–2

(b) *Employees' trusts.* To keep as a part of its records for taxable years beginning after December 31, 1969, and ending before December 31, 1971, written notification, or a copy thereof, from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033–2

(c) *Group returns.* The central organization shall retain the certified statements of those local organizations authorizing their inclusion in a group return. 26 CFR 1.6033–1, 1.6033–2

Retention period; (a) and (b) See Item 4.1; (c), for taxable years prior to January 1, 1970, permanent; for taxable years after December 31, 1969, until the expiration of 6 years after the last taxable year for which a group return includes the local organization.

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payments of dividends made to the actual owner. 26 CFR 1.6042–1

Retention period: See Item 4.1.

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047–1

4.42c Persons making payments of estimated tax installments in foreign currency.

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316–6

Retention period: See Item 4.1.

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13 (see 26 CFR 1.1471–1)

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14 (see 26 CFR 1.1471–1)

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701–13

Retention period: See Item 4.1.

4.44b Organizations seeking classification as private nonoperating foundations.

To maintain adequate records substantiating that all contributions received in taxable years ending in either 1970 or 1971 were distributed not later than the 15th day of the third month after the close of the taxable year or by the 30th day after final regulations under section 170(b)(1)(E)(ii) are published in the Federal Register, whichever is later. 26 CFR 13.15

Retention period: See Item 4.1.

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

GIFT TAX

4.46 Persons making transfers of property by gift.

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

EMPLOYMENT TAX

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 Vow-of-poverty religious orders electing social security coverage for its members. [Added]

To maintain records of the details relating to the retirement of each of its members.

Retention period: Not specified. 26 CFR 31.3121(r)–1

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 1.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936; and records of all remuneration in the form of tips received by employees after 1965 and reported to him. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(3) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each

employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–2 (retention: 31.6001–1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6000–1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees and tips received by employees and reported to him. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands. (See 26 CFR 31.3401(a)–1(b)(12).)

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals. (See 26 CFR 31.3401(a)(6)–1 and 31.3401(a)(7)–1.)

(8) Copies of any statements furnished by the employee relating to resi-

dence or physical presence in a foreign country. (See 26 CFR 31.3401(a)(8)(A)-1.)

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico. (See 26 CFR 31.3401(a)(8)(C)-1.)

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept. (See 26 CFR 31.3401(a)-1(b)(8)(i).)

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Forms W-4 and W-4E) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax. (See 26 CFR 31.3402(i)-1.)

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. (See 26 CFR 31.3401(a)(4)-1.)

(16) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees. (See 26 CFR 31.3401(a)(11)-1, 31.3401(a)(16)-1.)

(17) The employer shall keep records of the details of each adjustment or settlement of income tax withheld. (See 26 CFR 31.3402.)

(18) The written request of an employee to have the amount of tax withheld from his wages computed on the basis of his cumulative wages, and any notice of revocation thereof. (See 26 CFR 31.6001-5)

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001-5 (retention: 31.6001-1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)-2, 31.6404(a)-1 (retention: 31.6001-1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)-1 (retention: 31.6001-1)

EXCISE TAXES [REVISED]

4.56 Persons subject to tax on certain highway motor vehicles.

To maintain records relating to each vehicle registered, as specified in sections cited; records or documents substantiating any claim for exemption from tax; and records and documents relating to any claim for credit or refund.

Retention period: At least 3 years after date tax becomes due or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 41.4481-2, 41.6001-1

4.57 Persons required to pay excise tax on wagering.

To maintain daily records of operations, as required in sections cited, and records of overpayment and of each laid-off wager for which credit or refund is claimed, including copy of required certificate.

Retention period: At least 3 years from date tax becomes due or date wager received or date any credit or refund is claimed. 26 CFR 44.4403-1, 44.6001-1

4.58 Persons claiming credit for State imposed tax on coin-operated gaming devices.

To maintain documentary evidence of payment of State tax upon which claim is based.

Retention period: At least 3 years after due date of tax or date tax imposed is paid, whichever is later. 26 CFR 45.4464-1

4.59 Manufacturers of white phosphorous matches.

To maintain daily records showing material used, number of matches produced, and number of stamped packages and original packages in which packed; also the total number of stamped and original packages, together with total number of matches disposed of each day.

Retention period: 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.4804-10 (retention: 45.6001-1)

4.60 Manufacturers of adulterated butter exported to a foreign country.

To maintain records of all removals and sufficient written proof of such removals and deliveries to substantiate actual delivery of such butter to the foreign trade zone.

Retention period: At least 3 years. 26 CFR 45.4816-1 (retention: 45.6001-1)

4.61 Persons making contracts of sale of cotton for future delivery and cotton clearing associations.

To maintain all books, records, papers, and statements as specified in sections cited.

Retention period: Not less than 3 years. 26 CFR 45.4872-1, 45.4872-2 (retention: 45.4872-4)

4.62 Persons subject to certain miscellaneous stamp taxes.

To maintain returns, schedules, statements or other documents, and any

other records relating to claim for credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001–1

4.63 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

To maintain daily records relating to content, production, disposition, and tax stamps purchased, and any other records relating to transactions in adulterated butter, process or renovated butter, and filled cheese.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001–2 (retention: 45.6001–1)

4.64 Wholesale dealers in adulterated butter and filled cheese.

To maintain daily records of number of pounds in each consignment received, name and address of consignor, date of receipt, and any other records of transaction as specified in sections cited.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001–3, 45.6001–4 (retention: 45.6001–1)

4.65 Persons subject to miscellaneous excise taxes payable by return.

To maintain copies of any return, schedule, statement, or other document as part of records, in addition to any record relating to claim of credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001–1

4.66 Manufacturers of sugar.

To maintain monthly record relating to quantity on hand, received, produced, sold, and other records relating to manufactured sugar.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001–2 (retention: 46.6001–1)

4.67 Persons required to keep records with respect to tax on foreign insurance policies.

To maintain records relating to such policies, including identifying information, gross premium, insurer, and any other records as specified in sections cited.

Retention period: At least 3 years from date any part of tax is due or date tax is paid, whichever is later. 26 CFR 47.6001–2, 46.6001–4

4.68 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from date tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR 314.62 (see 26 CFR 48.0–4)

4.69 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR 324.42 (see 26 CFR 48.0–4)

4.70 Persons claiming exemption from tax on sale or use of diesel fuel or special motor fuel.

To maintain records of all fuel used for each purpose, including statements, exemption certificates, or other documents to verify claim.

Retention period: Not specified. 26 CFR 48.4041–5, 48.4041–6, 48.4041–9, 148.1–4

4.71 Manufacturers, producers, or importers selling automobile tires and tread rubber.

To maintain records of tires sold with metal rims or rim bases attached to establish portion of finished product that represents weight of tire, of tax-free sales of tread rubber, and of exemption certificates with invoices and orders relating to such exemption.

Retention period: Not specified. 26 CFR 48.4071–2, 48.4073–3, 144.1–2

4.72 Manufacturers of lubricating oil.

To maintain exemption certificates for oil seldom used as a lubricant and records of invoices, orders, statements, and documents substantiating claim for exemption or for credit or refund.

Retention period: Not specified, 26 CFR 48.4091–6

4.73 Manufacturers, producers, or importers selling pistols, revolvers, other firearms, and shells and cartridges.

To maintain records to substantiate claim for exemption from tax imposed.

Retention period: Not specified. 26 CFR 48.4182–1

4.74 Persons claiming credit or refund of tax on gasoline, diesel fuel, or special motor fuels.

To maintain records to substantiate claim, in addition to copy of claim and any statement or document submitted with such claim.

Retention period: At least 3 years after last date prescribed for filing claim. 26 CFR 48.6416(b)–2, 48.6420(f)–1, 48.6421(g)–1

4.75 Persons providing certain communication and transportation services to persons entitled to receive the services exempt from tax.

To maintain exemption certificate and any other documents substantiating the tax exemption for services rendered.

Retention period: Not specified. 26 CFR 49.4253–11, 49.4261–6

4.76 Private foundations subject to tax on taxable expenditures.

(a) *Grants to individuals for travel, study, or other similar purposes.* To maintain records reflecting information evaluating qualification of potential grantees; identification of grantees; amount and purpose of each grant; and grantee progress reports.

Retention period: Not specified. 26 CFR 53.4945–4(c)(6)

(b) *Grants to organizations.* To maintain copy of expenditure responsibility agreement signed by grantee organization; records of receipts and expenditures; and copies of reports required to be part of records.

Retention period: 4 years after completion of use of grant funds. 26 CFR 53.4945–5(b)(3), 53.4945–5(c)(3), 53.4945–5(d)(3)

(c) *Program-related investments.* To maintain books and records adequate to provide information required.

Retention period: Not specified. 26 CFR 53.4945–5(b)(4)

4.77 Persons claiming credit or refund due to repeal of manufacturer's excise tax on passenger automobiles, light duty trucks, etc. (Revenue Act of 1971)

To maintain records sufficient to support claim, including inventories, written statement, and other information specified in section cited.

Retention period: Not specified. 26 CFR 142.1–1(d)(3), 142.1–1(g)(3), 142.1–1(i)(2), 142.2–1(a)(4), 142.2–1(e), 142.2–2(a)(4), 142.2–2(c)(4), 142.2–3(i)

4.78 Manufacturers claiming exemption, credit or refund, or tax-free sales under regulations of the Excise Tax Reduction Act of 1965.

To maintain all records, statements, exemption certificates, and inventories to substantiate tax-free sales or claims, as specified in sections cited.

Retention period: Not specified. 26 CFR 145.2–1(e), 145.2–2(a)(2), 145.2–2(c)(4), 145.2–4(b), 145.2–5(f), 145.4–1(b)

4.79 Persons involved in acquisitions of foreign stock or debt obligations; interest equalization tax.

To maintain certificates of American ownership, copies of confirmations of prior American ownership, records of withholding, financial records, and such other documents or records as specified in section cited.

Retention period: So long as contents thereof may become material in the administration of any Internal Revenue law. 26 CFR 147.2(a)(3), 147.4–1(d)(8), 147.5–1(b)(2), 147.5–2(g), 147.3(b)(4), 147.7–6(b)(1), 147.7–7(g), 147.7–9(f), 147.8–4 (retention: 147.8–4(d))

4.80 Retailers, manufacturers, or communications facilities claiming tax-free sales or services to nonprofit educational organizations.

To maintain exemption certificate, together with records of goods sold, services rendered, or facilities furnished.

Retention period: At least 3 years from date tax would have become due, if payable. 26 CFR 148.1–4

4.81 Sellers and purchasers claiming tax-free sales of aircraft fuel for nontaxable purposes.

To maintain exemption certificates and proper supporting records, including receipts, invoices, and orders relating to tax-free sales.

Retention period: Not specified. 26 CFR 154.1–1

4.82 Persons transporting property by air.

To maintain exemption certificates, statements, documentary evidence of exportation and any other records as specified in section cited.

Retention period: At least 3 years. 26 CFR 154.2–1

4.83 Persons acquiring secondhand civil aircraft.

To maintain evidence showing whether or not there was taxable use prior to acquisition, or evidence of reasons why unable to obtain such evidence.

Retention period: Not specified. 26 CFR 154.3–1(d)(4)

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: At least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601, 520.804, 530.601, 530.804

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver to a mint or assay office pursuant to the Coinage Act of 1965.

To maintain records of all acquisitions and dispositions of newly-mined domestic silver.

Retention period: 5 years following date of transaction to which they relate. 31 CFR 81.8, 81.10

7. Office of Operations

7.1 Corporations, partnerships, individuals, and associations having interests in foreign financial accounts. [Amended]

To maintain records of all foreign financial accounts which are indicated on Federal income.

Retention period: 5 years. 31 CFR 103.32

7.2 Financial institutions. [Amended]

To maintain either the original or a copy of records of (a) extensions of credit exceeding $5,000, except those secured by real property; and (b) advice, request, or instruction, received or given to another financial institution or person, regarding a transaction resulting in the transfer of more than $10,000 to a person, account, or place outside the United States.

Retention period: 5 years. 31 CFR 103.33 (retention: 103.36)

7.3 Banks [Amended]

To maintain a record of the taxpayer identification number or social security number of persons who open deposit or share accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 2 years for records needed to reconstruct a demand deposit account, or trace a check through the domestic processing system or to supply a description of a deposited check over $100; 5 years for all other records. 31 CFR 103.34 (retention: 103.36)

7.4 Brokers and dealers in securities. [Amended]

To maintain a record of the taxpayer identification number or social security number for persons who open brokerage accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 5 years. 31 CFR 103.35 (retention: 103.36)

8. Bureau of Alcohol, Tobacco and Firearms

Liquors

8.1 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

8.2 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

8.3 Persons manufacturing liquor bottles.

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 26 CFR 173.39 (retention: 173.15)

8.4 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily (or less frequent, interval if authorized) recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; and (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.223, 194.225—194.230, 194.238; (b) 194.231, 194.234—194.238 (retention: 194.242)

8.5 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222, 194.223 (retention: 194.222, 194.242)

8.6 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received showing the quantities thereof, from whom received, and the receiving dates;

a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all ful cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.223, 194.238, 194.239 (retention: 194.242)

8.7 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of quarterly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

8.8 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

8.9 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

8.10 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

8.11 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

8.12 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

8.13 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

8.14 Proprietors of distilled spirits plants. [Amended]

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.630b, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date thereof, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 170.125, 170.131, 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311, 201.312, 201.312c, 201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630b, 201.633–201.634 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633, 201.633a (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years from the date thereon, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616-201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms

relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; disaster losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.470f, 201.482–201.484, 201.487, 201.490, 201.492, 201.543, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633, 201.633a (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and of restamping operations, and to keep copies of periodic reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625, 201.634 (retention: 201.612)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 26 CFR 201.630a (retention: 201.612)

8.15 Users of rubbing alcohol base.

To keep such records as will enable an internal revenue officer to verify and trace the receipt of rubbing alcohol base; records of production, bottling, and distribution of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.190e (retention: 211.273)

8.16 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

8.17 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

8.18 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any) and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

8.19 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

8.20 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

8.21 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

8.22 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

8.23 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

8.24 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

8.25 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: While the wine produced pursuant thereto remains on hand. 26 CFR 240.542

8.26 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

8.27 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

8.28 Proprietors of bonded wine cellars.

(a) Production of wine, nonbeverage wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 170.683, 170.686, 170.690, 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 170.691, 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and

copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 170.687, 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618–240.620, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 170.690, 240.801, 240.921–240.925 (retention: 240.924)

8.29 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast and malt; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; removal of wort, wort concentrate, malt sirup, and malt extract; beer consumed at the brewery and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

8.30 Proprietors of pilot brewing plants.

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not less than 4 years. 26 CFR 245.256 (retention: 245.232)

8.31 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78–250.81, 250.112 (retention: 250.276)

8.32 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

8.33 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93–250.96, 250.112 (retention: 250.276)

8.34 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102–250.105, 250.112 (retention: 250.276)

8.35 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487–B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 250.116 (retention: 250.276)

8.36 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

8.37 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

8.38 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

8.39 Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation.

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 26 CFR 250.319, 251.209 (retention: 250.276, 251.137)

8.40 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

8.41 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

8.42 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

8.43 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

8.44 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

8.45 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

8.46 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any)

covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

8.47 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

8.48 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.-150f—252.150h (retention: 252.45)

8.49 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195, 252.195a (retention: 252.45)

8.50 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

8.51 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

8.52 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

Tobacco

8.53 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not specified for authorizations granted under Part 290. 26 CFR 270.45–270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 270.185)

8.54 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

8.55 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.182, 270.183, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

8.56 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

8.57 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

8.58 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281–270.284, 270.286, 270.287 (retention: 270.185)

8.59 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.60 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.61 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.62 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.63 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

8.64 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 26 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

8.65 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

8.66 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

8.67 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

8.68 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171–285.174 (retention: 285.175)

8.69 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.70 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.71 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.105 (retention: 275.22)

8.72 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.137 (retention: 275.22)

8.73 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return. Form 2988.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.112 (retention: 275.22)

8.74 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.81 (retention: 275.22)

8.75 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

8.76 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

8.77 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 26 CFR 290.72, 290.73

8.78 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199–290.201

8.79 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

8.80 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

8.81 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, mission, Form 2635, and for refund, Form 843.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.152, 290.154

8.82 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.201, 290.257, 290.266, 290.267

FIREARMS AND EXPLOSIVES

8.83–8.84 [Transferred to XI 4.73]

8.85 Licensed firearms manufacturers, importers, dealers, and collectors.

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations, except that no record need be kept of retail sales of shotgun ammunition, ammunition suitable for use only in rifles, or components for such shotgun and rifle ammunition.

Retention period: For ammunition 2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 178.122–178.127, Public Law 91–128 (83 Stat. 269)

8.86 Transferees of firearms.

To maintain the application (filed by the transferor and approved by the Director, Alcohol, Tobacco and Firearms Division) for the transfer of a firearm. This includes transfers exempt from, as well as subject to, the transfer tax.

Retention period: Transferee retains approved application for duration of his ownership of the related firearm. 26 CFR 179.84–179.93

8.87 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.131

8.88 Licensed explosives manufacturers, importers limited-manufacturers, dealers and permittees.

To take true and accurate inventory of explosives material on hand as of February 12, 1971, or at time of commencing business. To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all explosives material.

Retention period: 5 years from date transaction occurs. Upon discontinuance of business, explosives records must be delivered to successor, or if discontinuance of business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 181.121–181.129

8.89 Registered importers of arms, ammunition, or implements of war, shown on the Import List.

Importers who are required to register under 26 CFR Part 180 shall maintain records of articles on the U.S. Munitions Import List that are imported, their acquisition and disposition.

Retention period: 6 years. The Director, Alcohol, Tobacco and Firearms Division may prescribe a longer or shorter period in individual cases as he deems necessary. 26 CFR 180.24

XII. DEPARTMENT OF TRANSPORTATION

1. Federal Aviation Administration

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carriers and commercial operators.

To keep (a) all the records necessary to show that all requirements for the issuance of an airworthiness release under 14 CFR 121.709 or 127.319 have been met and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained; current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until work is repeated or superseded by other work or for 1 year after work is performed, except for records of last complete overhaul of each airframe, engine, propeller, rotor, or appliance which are retained until work is superseded by work of equivalent scope and detail; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 121.380, 127.141

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) an aircraft maintenance log; (b) copies of alteration and repair reports; and (c) copies of airworthiness release forms.

Retention period: Not specified for (a) and (b); 2 months for (c). 14 CFR 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).

Retention period: 6 months. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep (a) records of maintenance, alterations, 100-hour, annual, and progressive inspections, and other required or approved inspections for each aircraft, and for each airframe, engine, propeller, rotor, and appliance of an aircraft including a description of the work performed, the date the work was completed, and signature and certificate number of the persons approving the aircraft for return to service and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained, current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until the work is repeated or superseded by other work or for 1 year after the work is performed; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep (a) maintenance records of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances, and (b) a maintenance log for all data specified in (a), except time since last overhaul.

Retention period: Not specified. 14 CFR 127.309, 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and airworthiness release forms.

Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots. [Amended]

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements, including as to each flight such general data as points of departure and arrival, date, duration, and type and identification of aircraft; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.51

1.18 [Deleted]

1.19 Flight instructors. [Amended]

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight or group instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written, flight, or practical test, including the kind of test, date of his certification, and the result of the test.

Retention period: 3 years. 14 CFR 61.189

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aviation maintenance technician schools.

To keep (a) current record of each student enrolled showing his attendance, tests, and grades received on subjects required, instruction credited by reason of instruction completed at another aviation maintenance technician school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each subject.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA-198 (1 copy); (b) Radio equipment operation record—Form FAA-418 (original); and (c) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a); not specified for (b) and (c). 14 CFR 171.13, 171.33, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the re-

quirements of 14 CFR 137.19(c).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371

1.42 Aircraft and related products manufacturers holding Technical Standard Order Authorizations.

To keep records pertaining to each article manufactured including (a) a complete and current technical data file, design drawings, and specifications, and (b) complete and current inspection records.

Retention period: (a) Until the TSO article is no longer produced by the manufacturer; (b) and at least 2 years. 14 CFR 37.13

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes.

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.

Retention period: At least 6 months after termination of employment. 14 CFR 123.27 (retention: 121.683)

1.46 Sponsors and contractors of airport development and planning projects.

To keep records pertaining to the expenditure of the Federal grant, the total project cost, and the amount supplied by other sources.

Retention period: 3 years after date of final grant payment. 14 CFR 152.63, 152.143

1.47 Aircraft and related products manufacturers—production under type certificate only.

To maintain at the place of manufacture the technical data and drawing necessary for the Administrator to determine whether the product and its parts conform to the type design.

Retention period: Not specified. 14 CFR 21.123

1.48 Owners of non-Federal Simplified Directional Facilities (SDF); non-Federal Distance Measuring Equipment (DME) Facilities; and non-Federal VHF Marker Beacon Facilities.

To maintain: (a) record of meter readings and adjustments (Form FAA–198) reflecting an accurate record of facility operation and adjustment and must be revised after any major repair, modification, or retuning; (b) a facility maintenance log (Form FAA–406(c)), consisting of a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken; (c) a radio equipment operation record (Form FAA–418) containing a complete record of meter readings, recorded on each scheduled visit to the facility.

Retention period: (a) Permanent; (b) and (c) not specified. 14 CFR 171.117, 171.163, 171.213

1.49 Lessees and conditional buyers of U.S. registered large civil aircraft other than a foreign air carrier or certificate holder under 14 CFR Parts 121, 123, 127, 135, or 141.

To keep a copy of lease or contract of conditional sale, to which cited section applies, in the aircraft.

Retention period: Not specified. 14 CFR 91.54

2. Federal Highway Administration

2.1 State highway departments or their agents.

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

2.2 State agencies administering relocation assistance programs. [Amended]

To maintain relocation records, moving expense records, and replacement housing payments records as specified in section cited.

Retention period: Not specified. 23 CFR 740.14

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.4 Class III motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.5 State highway departments using airspace for nonhighway purposes. [Added]

To maintain an inventory of all agreements.

Retention period: Not specified. 23 CFR 720.507

2.6 [Reserved]

2.7 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 398.3

2.8 Motor carriers in interstate commerce transporting Class A or Class B explosives.

To maintain drivers' receipts for documents pertaining to safety and procedures in case of accident or delay.

Retention period: 1 year. 49 CFR 397.19

2.9 Motor carriers reviewing drivers' records.

To maintain records of all violations of motor vehicle traffic laws of which the driver has been convicted.

Retention period: Not specified. 49 CFR 391.27

2.10 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain driver qualification files as listed in the section cited.

Rentention period: Various. 49 CFR 391.51

2.11 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain an accident register and associated documents as set out in the section cited.

Retention period: 3 years from the date of the occurrence of any accident recorded. 49 CFR 394.13

2.12 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain drivers' daily logs as set out in the section cited.

Retention period: Approximately 1 year from the date the carrier receives the daily log from the driver. 49 CFR 395.8

2.13 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain records of inspection and maintenance for each motor vehicle for the period the motor vehicle is controlled by the carrier as set out in the section cited.

Retention period: Varies. 49 CFR 396.2

2.14 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain daily driver reports on the condition of motor vehicles as set out in the section cited.

Retention period: 3 months from date of the report. 49 CFR 396.7

2.15 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridges.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

2.16 States or municipalities or other political subdivisions or public agencies there of taking over or acquiring or constructing an interstate toll bridges.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3. United States Coast Guard

3.1 Certificates or documents issued to the public by Coast Guard.

To maintain certificates or documents, as required by laws, rules, or regulations, for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

3.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: For the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 78.17–80, 97.15–60, 196.15–60

3.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 31.37–23, 71.47–15, 71.47–20, 71.47–23, 91.37–15, 91.37–20, 91.37–23 (retention: 31.37–75, 71.47–75, 91.37–75)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: Not specified. 46 CFR 35.01–10

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.10–5, 78.17–50, 97.15–35, 167.65–1, 196.15–35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties. [Amended]

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft aids to mariners, radiograms sent and received, the radio logs, crew and passenger lists, articles of shipment, official logs, and other material which might be of assistance in investigating and determining the cause of the casualty.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65, 196.07–15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo. [Amended]

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: 1 month. 33 CFR 156.150 (e) and (f)

3.9 Manufacturers or contractors responsible for welding procedures.

To maintain records of test results obtained in welding procedure, welder's performance qualifications, and identification data.

Retention period: Not specified. 46 CFR 57.02–3

3.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 99.20–1

3.11 Owners, operators, and masters of vessels.

To maintain (a) official logbooks or (b) for those not required to have such a logbook, logs and records as prescribed by regulations.

Retention period: (a) Until filed with Officer in Charge, Maritime Inspection; (b) other, 1 year. 46 CFR 35.07–5, 35.07–10, 78.37–3, 78.37–5, 97.35–3, 97.35–5

3.12–3.14 [Reserved]

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels).

To keep records of temperature readings.

Retention period: 1 year for vessels. 46 CFR 146.02–12

3.16 Owners, persons, or corporations chartering or contracting the use of vessels shipping explosives or other dangerous articles.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02–22

3.17–3.18 [Reserved]

3.19 Owners, operators, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05–12, 146.05–13

3.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12, 151.45–7

3.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–12 (retention: 146.02–22)

3.22 [Reserved]

3.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164.

3.24 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the U.S. Coast Guard. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended. [Amended]

To keep on board an Oil Record Book as prescribed by 33 CFR 151.35.

Retention period: As specified in 33 CFR 151.35(h)

3.26 Owners, operators, and/or masters of oceanographic vessels.

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of firefighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35–3, 196.35–5

3.27 Masters of ships subject to International Convention on Load Lines, 1966.

To enter in the ships logs, before departure from loading port, the data required by section 9(b) of the load line acts, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07–20

3.28 Manufacturers of marine sanitation devices.

To maintain records required to determine compliance with the act.

Retention period: Not specified. 33 U.S.C. 1163

3.29 Nonprofit firms or associations designated to certify containers for international transport under Customs seal.

To maintain copy of each Certificate of Approval by design type issued, together with copy of plans and applications to which approval refers, and records of manufacturer's serial number assigned to containers manufactured under each approval.

Retention period: Not specified. 49 CFR 421.30

3.30 Operators of oil transfer facilities. [Amended]

To maintain (a) letter of intent, name of person in charge of transfer, operations, equipment, tests and inspections, hose, information, facility inspection record, and (b) signed copy of each declaration of inspection for facility.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 154.740, 156.150

3.31 Owners and operators of vessels engaged in oil transfer operations. [Amended]

To maintain (a) name of person in charge of transfer operations, date and results of tests, hose information, and valve inspection data; and (b) signed copy of each declaration of inspection for such vessel-to-vessel transfer.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 155.820, 156.150

4. Federal Railroad Administration

4.1 Railroad companies.

To keep records as listed in the sections or part cited.

Retention period: Various. 49 CFR 213.241, 228.9, Part 1220

4.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

4.3 [Reserved]

4.4 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

4.5 [Deleted]

5. National Transportation Safety Board

5.1 Operators of aircraft (involved in an accident or incident).

To preserve to the extent possible all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given to the Board.

Retention period: Until the Board takes custody thereof or a release is granted by an authorized representative of the Board. 14 CFR 430.10

5.2 Operators of aircraft involved in an accident or incident.

To retain all records and reports, including all internal documents and memoranda dealing with the accident or incident.

Retention period: Until authorized by the Board to the contrary. 14 CFR 430.10

6. Office of the Secretary

PIPELINE SAFETY

6.1 Welders of steel materials to be used in pipelines.

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used. 49 CFR 192.225(c)

6.2 Operators of natural gas pipelines.

Records must be retained showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects whenever nondestructive testing is required under 192.241(b).

Retention period: Life of the pipeline. 49 CFR 192.243(f)

6.3 Operators of natural gas pipelines.

To keep records of safety tests required with names of those involved, methods used, and results of the tests.

Retention period: Duration of pipeline's use. 49 CFR 192.517

6.4 Operators of natural gas pipelines.

To retain records of each segment of pipeline that has been uprated showing each investigation required by the subpart, all work performed and each pressure test conducted in connection with the uprating.

Retention period: Life of the segment of pipeline. 49 CFR 192.553(b)

6.5 Operators of natural gas pipelines.

To keep records necessary to administer the operating and maintenance plan established for each segment of pipeline.

Retention period: Not specified. 49 CFR 192.603(b)

6.6 Operators of natural gas transmission lines.

To keep records governing each leak discovered, repair made, transmission line break, leakage survey, line patrol and inspection.

Retention period: As long as the segment of transmission line involved remains in service. 49 CFR 192.709

6.7 Operators of liquid pipelines.

To retain records of the nondestructive testing of welds, including (if radiography is used) the developed film, with so far as practicable, the location of the weld.

Retention period: 3 years following the placement of the line in operation. 49 CFR 195.234(g).

6.8 Operators of liquid pipelines.

To maintain records showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected; the amount, location, and cover of each size of pipe installed; the location of each crossing of another pipeline; the location of each buried utility crossing; the location of each overhead crossing; the location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Retention period: Life of each facility. 49 CFR 195.266

6.9 Operators of liquid pipelines.

To retain records of each hydrostatic test including the recording gauge charts, deadweight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must also be included.

Retention period: As long as the facility tested is in use. 49 CFR 195.310

6.10 Operators of liquid gas pipelines.

To maintain maps and records of its pipeline systems including at least the location and identification of all major facilities, all crossings of public roads, railroads, rivers, buried utilities and foreign pipelines, the maximum operating pressure of each pipeline, the diameter, grade, type and nominal wall thickness of all pipe.

Retention period: Not specified. 49 CFR 195.404(a)

6.11 Operators of liquid pipelines.

To maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility.

Retention period: At least 3 years. 49 CFR 195.404(b)

6.12 Operators of liquid pipelines.

To maintain records that indicate the date, location and description of each repair made to its pipeline systems as well as a record of each inspection and test required by the subpart.

Retention period: Useful life of the part of the pipeline system to which the record relates. 49 CFR 195.404(c)

6.13 Operators of natural or other gas pipelines.

To maintain corrosion control records and maps as indicated in section cited.

Retention period: Length of pipeline service. 49 CFR 192.491

6.14 Operators of liquid pipelines. [Added]

To maintain, at the principal place of business, a copy of each accident report required to be filed with the Director, Office of Pipeline Safety.

Retention period: Not specified. 49 CFR 195.54

6.15–6.19 [Reserved]

HAZARDOUS MATERIALS

6.20 State agencies participating in relocation assistance programs.

(a) To maintain all documents associated with an appeal.

Retention period: Not specified. 49 CFR 25.21(b)(4)

(b) To maintain relocation records as cited in Appendix A of Part 25.

Retention period: 3 years. 49 CFR 25.23

6.21 Manufacturers of compressed gas cylinders.

To maintain data sheets recording the results of visual inspections of certain compressed gas cylinders.

Retention period: Permanent. 49 CFR 173.34(e)(10)

6.22 Owners of compressed gas cylinders.

To maintain records showing results of reinspection and retest of such cylinders.

Retention period: Until expiration of retest period, or until cylinder is reinspected and retested, whichever occurs first. 49 CFR 173.34(e)(5)

6.23 Motor carriers operating MC 330 and MC 331 cargo tanks. [Amended]

To maintain (a) records showing each MC 330 and MC 331 in service, and (b) records relating to reason for, and date of, withdrawal of certification of cargo tank.

Retention period: At least 1 year after period of use or withdrawal of the certification. 49 CFR 177.824(i)

6.24 Owners of tank motor vehicles transporting flammable liquids.

To maintain records of inspection as required in section cited.

Retention period: 2 years after date of inspection. 49 CFR 177.824(b)

6.25 Manufacturers of cylinders and tanks.

To maintain (a) inspector's report on specification DOT–39 cylinders, and (b) test samples on specification DOT–56 and 57 portable tanks.

Retention period: (a) 3 years; (b) 1 year. 49 CFR 178.65–15(a), 178.251–5(a)

6.26 Motor carriers operating cargo tanks.

To maintain manufacturer's data report and certificate of compliance and related papers on specification MC331 cargo tanks; and manufacturer's certificate of compliance on specifications MC 306, 307, and 312 cargo tanks.

Retention period: During time of use of tank plus 1 year thereafter. 49 CFR 178.337–18(b), 178.340–10(c)

6.27 Cargo tank manufacturers.

To maintain sketch of location of plate in specification MC331 cargo tank and records of welder qualification in fabrication of such cargo tanks.

Retention period: 5 years. 49 CFR 178.337–2(a)(3), 178.337–4(b)

6.28 Owners of portable tanks carrying hazardous materials.

To maintain records of date and results of all required tests and information about tester.

Retention period: Until satisfactory completion of next retest. 49 CFR 173.32

6.29 Shippers of hazardous materials offered by or consigned to the Department of Defense. [Added]

To maintain duplicate certification of each shipment.

Retention period: Not less than 1 year. 49 CFR 173.7, 177.806

6.30 Owners of foreign containers. [Added]

To maintain records showing results of retests of foreign containers.

Retention period: Until the next scheduled retest date. 49 CFR 173.301(j)

7. National Highway Traffic Safety Administration

7.1 States participating in the National Highway Safety Program.

To maintain records described in Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

7.2 Manufacturers of complete or incomplete motor vehicles.

To maintain list of names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred and vehicle identification number involved in each safety defect notification campaign.

Retention period: 5 years after defect information report is submitted to the Administrator. 49 CFR 573.6

7.3 Manufacturers, brand name owners, distributors, and dealers of new and retreaded tires. [Amended]

To maintain records of name and address of tire purchaser and tire seller, and the tire identification number.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7, 574.8

7.4 Tire manufacturers. [Amended]

To maintain records of each distributor or dealer purchasing tires directly from him and selling them to purchasers, number of tires purchased, and number of tires for which reports have been received from distributor or dealer.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7

7.5 Manufacturers of motor vehicles.

To maintain records of tires on or in each vehicle shipped to a distributor or dealer, and the name and address of the first purchaser.

Retention period: 3 years from date of sale of vehicle to first purchaser. 49 CFR 574.10

7.6 Manufacturers of motor vehicles. [Added]

To maintain records of names and addresses of first purchasers of motor vehicles produced.

Retention period: Not specified. 15 U.S.C. 1402f

XIII. ACTION

1.1 State agencies or other public and nonprofit private agencies participating in the retired citizens volunteer program.

To maintain accounting and other records as determined by the Commissioner.

Retention period: Accounting records—3 years after end of budget period or if audit has not occurred, until audit or 5 years following end of budget period, whichever is earlier, or until resolution of any audit questions; other records—not specified. 45 CFR 906.10 (retention: 901.4)

1.2 State agencies, organizations, or grantees administering a project under the Foster Grandparent program.

To maintain records to assure correctness and verification of such reports required by this section.

Retention period: Not specified. 45 CFR 907.15

XIV. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App., U.S.C. 302(c)(2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

XV. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 41 CFR 9–55.204

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History"; (b) showing individual exposure to radiation and to radioactive material and records of bio-assays, including results of whole body counting examinations; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 20.102, 20.401

1.3 Holders of restricted data access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Not specified. 10 CFR 25.23, 95.34

1.4 Nonexempt licensees manufacturing, producing, transferring, receiving, acquiring, owning, possessing, importing, or exporting byproduct material.

To maintain records showing the receipt, transfer, export, and disposal of such byproduct material.

Retention period: Not specified. 10 CFR 30.51

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys.

Retention period: Not specified. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Not specified. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits.

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission, (b) records of any tests and experiments carried out

under an operating license or changes in a production and utilization facility and its procedures performed without prior Commission approval; (c) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; and (d) records sufficient to furnish evidence of activities affecting quality.

Retention period: (a) Not specified, 10 CFR 50.71; (b) not specified, 10 CFR 50.59; (c) throughout life of facility, 10 CFR Part 50, App. A, Criterion 1; (d) not specified, 10 CFR Part 50, App. B, sec. XVII

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of ownership, receipt, possession, use, transfer, import, and export of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, disposal, acquisition, import, export, and transfer of special nuclear material.

Retention period: Not specified. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Not specified. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors. [Amended]

To keep directly pertinent books, documents, papers, and records.

Retention period: 3 years after final payment. 41 CFR 1–7.103–3, 9–7.5004–10

1.13 Licensees packaging radioactive material for transport.

To keep records of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

1.14 Contractors whose contract contains the safety, health, and fire protection clause prescribed in 41 CFR 9–7.5006–47.

To maintain individual occupational radiation exposure records generated in performance of contract work.

Retention period: Until disposal is specifically authorized by the Commission; or at the option of the contractor delivered to the Commission upon completion or termination of the contract. 41 CFR 9–7.5006–60

1.15 Licensees transporting special nuclear materials. [Amended]

To maintain records of names and addresses of all authorized personnel, results of tests and inspections of security containers and protected areas, shipments of special nuclear material and information to comply with requirements of this part, procedures for controlling access to protected areas, and such other records as indicated in section cited.

Retention period: Not specified. 10 CFR 73.70

1.16 Licensees manufacturing, distributing, or transferring exempt quantities of byproduct material.

To maintain records of name and address of each person to whom material is transferred, and kinds and quantity of byproduct material transferred.

Retention period; Not specified. 10 CFR 32.20

1.17 Recipients of cost sharing contracts.

To maintain records of cost contributions and costs charged to AEC.

Retention period: Not specified. 41 CFR 9–4.5604

1.18 Cost-type contractors and subcontractors.

To maintain records in accordance with the provisions of their contract or subcontract.

Retention period: Various. 41 CFR 9–7.5006–1 (AEC Manual Chapter Appendix 0230 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors.)

1.19 Licensees authorized to possess at any one time and location more than 10,000 curies of tritium.

To maintain records sufficient to enable the licensee to account for the tritium in his possession under specific license.

Retention period: Not specified. 10 CFR 30.54, 150.18

1.20 General licensees owning, receiving, acquiring, possessing, or using certain measuring, gauging, or controlling devices containing byproduct material. [Added]

To maintain records of tests performed on such devices for leakage of radioactive material and proper operation of the on-off mechanism and indicator.

Retention period: Not specified. 10 CFR 31.5

1.21 Licensees authorized to operate nuclear production and utilization facilities. [Added]

To maintain records of changes to physical security plan made without prior Commission approval.

Retention period: Not specified. 10 CFR 50.54

1.22 Licensees authorized to operate nuclear production and utilization facilities. [Added]

To maintain records to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, answers given by the licensee, results of evaluations, and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

Retention period: Not specified. 10 CFR Part 55, App. A, par. 5

1.23 Holders of operating authorizations for certain nuclear reactors exempted from licensing requirements. [Added]

To maintain records of changes in the facility and of changes in procedures made without prior Commission approval, and records of tests and experiments carried out without prior Commission approval.

Retention period: Not specified. 10 CFR 115.47(b)

XVI. CIVIL AERONAUTICS BOARD [REVISED]

1.1 Air carriers and foreign air carriers generally.

(a) To maintain records of deposits made by each group charter participant, plus all invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the group charter.

Retention period: 2 years after completion of group charter. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

(b) To maintain evidence of compliance with regulations imposed under Regulation Z of the Board of Governors of the Federal Reserve System, implementing the provisions of the Truth in Lending Act and the Consumer Credit Protection Act.

Retention period: 2 years. 14 CFR 249.31

(c) To maintain all documents which evidence or reflect the furnishing of transportation and all statements, invoices, bills, and receipts relating to

transportation provided political candidates on a credit basis (except foreign air carriers).

Retention period: 2 years. 14 CFR 374a.7

1.2 Certificated route air carriers.

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.13)

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.13)

(d) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers of foreign air carriers).

Retention period: 2 years. 14 CFR 207.9 (retention. 249.13)

(f) To maintain records of proof of commission paid to travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(g) To preserve written confirmation and accompanying passenger list received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(h) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.13)

(i) To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided. (Applicable only to local service carriers and certificated route air carriers furnishing transportation within Alaska or Hawaii and certificated route helicopter carriers.)

Retention period: Not specified. 14 CFR 225.10

1.3 Certificated supplemental air carriers.

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.8)

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.8)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8)

(d) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(f) To preserve all passenger lists, including those filed by charterers.

Retention period: 6 months. 14 CFR 208.34 (retention: 249.8)

(g) To maintain records of proof of commission paid to travel agent for each pro rata, single entity, or mixed charter trip.

Retention period: 2 years. 14 CFR 208.202a, 208.303, 208.400 (retention: 249.8)

(h) To preserve written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(i) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.8)

(j) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

1.4 Commuter air carriers.

(a) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.5 Foreign route air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years. 14 CFR 221.170 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.12)

(d) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

(e) To preserve a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(f) To maintain true copies of all passengers lists, air waybills, invoices, and other traffic documents covering off-route charter trips performed under a "Statement of Authorization".

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(g) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip originating or terminating in the United States.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(h) To preserve every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(i) To preserve written confirmation and accompanying passenger lists received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

1.6 Foreign air carriers holding permits for charter transportation only.

(a) To keep at its principal or general office a complete file of all tariffs by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years. 14 CFR 221.170 (retention: 214.6)

(b) To maintain records of all passes issued (and/or regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 214.6)

(c) To preserve written confirmation and accompanying passenger lists received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 214.6

(d) To maintain at its principal or general office every charter contract, proof of commissions paid to any travel agent, and every statement of supporting information.

Retention period: 2 years. 14 CFR 214.6

(e) To maintain at its principal or general office all passenger lists including those filed by charters.

Retention period: 2 years. 14 CFR 214.6

1.7 Holders of permits to operate foreign civil aircraft in the United States.

(a) To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: 1 year. 14 CFR 375.43 (retention: 249.11)

(b) To keep lists of names and addresses of all passengers on charter flights originating or terminating in the United States.

Retention period: 6 months. 14 CFR 375.43 (retention: 249.11)

1.8 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.27)

(b) To keep such additional records as indicated by 14 CFR 297.51

Retention: Various. 14 CFR 249.27

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.9 Study group charterers, travel group organizers and overseas military personnel charter operators.

To maintain records of deposits made by each participant; and all invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the group charter.

Retention period: 2 years after completion of group charter. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

7.10 Tour operators and foreign tour operators.

(a) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

XVII. COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

1.1 Central nonprofit agencies. [Revised]

To maintain records for all qualifying agencies for the blind or other severely handicapped of the data necessary to permit them to (a) allocate equitably orders among such agencies, and (b) submit a comprehensive annual report to the Committee for each fiscal year concerning operations of its workshop including significant accomplishments and developments such as sales, fringe benefits, labor rates, and other details requested by the Committee.

Retention period: Not specified. 41 CFR 51-3.1(e)

1.2 Agencies for the blind or other severely handicapped (employing blind or other severely handicapped to extent of 75 percent of hours of personnel in direct labor) selling to Government agencies and participating in the program of the Committee. [Amended]

To keep accounting records of percentage of direct labor performed by such workers.

To maintain files on (a) each blind individual which includes a written report by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses; (b) each other severely handicapped individual which includes a written report by a licensed physician, psychiatrist, and/or qualified psychologist, reflecting the nature and extent of disability or disabilities that cause such person to qualify as severely handicapped; and (c) each blind and other severely handicapped which includes reports on preadmission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by qualified person to evaluate the work potential, interests, aptitudes, and abilities of such persons.

Retention period: Not specified. 41 CFR 51-4.3

XVIIa. CONSUMER PRODUCT SAFETY COMMISSION [ADDED]

1.1 Persons selling flammable fabrics or using such fabrics in interlinings or other exempted unexposed parts of wearing apparel.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(a)

1.2 Persons selling flammable fabrics or using such fabrics in hats, gloves, and footwear.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(b)

1.3 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; and (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons shipping flammable fabrics or articles of wearing apparel for processing.

To maintain records which establish that the flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(b)

1.7 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Note specified. 16 CFR 302.14(c)

1.8 Manufacturers of carpets and rugs subject to flammability standard FF 1-70.

To maintain records of (a) tests made to guarantee flammable quality including all identifying numbers, symbols, and specifications, a sample of carpet covered by guaranty, a copy of each test report, and a record showing the yardage at which test was performed; and (b) the guaranty received and identification of carpet or rug.

Retention period: 3 years (a) from date tests performed; (b) from date guaranty furnished. 16 CFR 302.15

1.9 Manufacturers, importers, or other persons initially introducing mattresses into commerce.

To maintain records showing specifications, identification, test data, disposition, and such other records as required in section cited.

Retention period: 3 years or longer as required in protype testing. 16 CFR 302.20

1.10 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

To keep written agreements containing such specifications as will insure that

such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 16 CFR 1500.84

1.11 Manufacturers and importers of clacker balls, baby bouncers and walkers, or similar articles.

To maintain records of sale, distribution, and results of inspections and tests conducted.

Retention period: 3 years. 16 CFR 1500.86

1.12 Manufacturers and importers of electrically operated toys and other articles used for children.

To maintain material and production specifications, description of quality assurance program, results of all inspections and tests conducted, and records of sales and distribution.

Retention period: 3 years after production or importation of each lot. 16 CFR 1505.4

1.13 Manufacturers or importers of baby cribs.

To maintain records of sale, distribution, and results of all inspections and tests conducted.

Retention period: 3 years after production or importation of each lot. 16 CFR 1508.10

1.14 Manufacturers of poison prevention packaging.

To maintain records of tests and results of both children and adults required under the Poison Prevention Packaging Act of 1970.

Retention period: Not specified. 16 CFR 1700.20

XVIIb. COST OF LIVING COUNCIL [ADDED]

1.1 Firms subject to Phase IV regulations.

To maintain such records as are sufficient to demonstrate that prices charged are in compliance with regulations of 6 CFR Part 150.

Retention period: At least 4 years after last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired, whichever is later. 6 CFR 150.164, 150.363, 150.457, 150.606

1.2 Firms making pay adjustments applying to or affecting 1000 or more employees.

To maintain records in respect to each pay adjustment in accordance with Phase IV regulations of the Council.

Retention period: Not specified. 6 CFR 152.23

1.3 Firms with annual revenues in excess of $50 million.

To maintain records sufficient to make a report to the Council on Form CLC–35 (Executive and Variable Compensation).

Retention period: Not specified. 6 CFR 152.130

XVIII. ENVIRONMENTAL PROTECTION AGENCY

1.1 Persons awarded EPA grants for research, demonstration, training and fellowships, State and local government assistance, and to such other programs.

To maintain (a) payroll records, accounting, and fiscal records reflecting the amount, receipt, and disposition of the grant assistance, and (b) the total cost of the project, the amount and identification of that portion of the cost of the project supplied from other sources, including Federal assistance and any matching share incurred for the performance of the project for which the EPA grant was awarded, and (c) records subject to inspection and audit by the Grants Officer, the Comptroller General of the United States, or any other authorized representative approved by EPA.

Retention period: (a) 3 years from the date of final payment, date of any resulting final termination settlement, or final audit; (b) records relating to appeals, litigations, claims, or exceptions shall be retained until the case is disposed of; and (c) until completion of the project. 40 CFR 30, Appendix A.

1.2 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

To maintain temporary tolerance records of production, distribution, and performance.

Retention period: 2 years. 40 CFR 180.31(e)(4)

1.3 Manufacturers of new motor vehicles or new motor vehicle engines subject to air pollution control regulations. [Amended]

To maintain records that (1) identify and describe vehicles or engines for which testing is required under 40 CFR 85; (2) describe emission control systems which are installed on or incorporated in each vehicle or engine; (3) describe procedures used to test such vehicles or engines; (4) contain test data which will show emissions at specified mileage or operating hours; (5) contain test data which will show performance of systems installed on or incorporated in vehicles or engines during extended mileage or operation, including all pertinent maintenance performed.

Retention period: Not specified. 40 CFR 85.006, 85.106, 85.206, 85.706, 85.806

1.4 State agencies participating in relocation assistance programs.

To maintain relocation records in accordance with the requirements of appendix A to Part 4.

Retention period: 3 years after completion of a project. 40 CFR 4.19

1.5 Owners or operators of any building, structure, facility, or installation emitting air pollutants. [Amended]

To maintain records of compliance tests, monitoring equipment pertinent analyses, feed rates, and production rates. (Standards of Performance for New Sources; National Emission Standards for Hazardous Air Pollutants)

Retention period: 2 years. 40 CFR Parts 60 and 61

1.6 Owners and operators of stationary sources emitting air pollutants for which a national standard is in effect. [Amended]

To maintain records of nature and amount of emission, air sampling data, and other information deemed necessary to determine compliance with applicable emission limitations or other control measures. (State Implementation Plans)

Retention period: 2 years. 40 CFR Parts 51 and 52

1.7 Manufacturers of products subject to noise emission standards and labeling requirements of the Noise Control Act of 1972.

To maintain records relating to such products to determine compliance to the act.

Retention period: Not specified. Public Law 92–574 (86 Stat. 1244)

1.8 State or interstate agency participating in the national pollutant discharge elimination program. [Amended]

To maintain records of all information resulting from monitoring activities as indicated in section cited.

Retention period: 3 years, or longer during period of unresolved litigation or when requested by Director or Regional Administrator. 40 CFR 124.62, 125.27

1.9 Contractors of nonpersonal service contracts. [Added]

To maintain payroll records as specified in 29 CFR 516.2(a).

Retention period: 3 years after completion of contract. 41 CFR 15–16.553, sec. 26a

1.10 Persons holding permits to allow dumping of material into the ocean waters. [Added]

To maintain complete records of materials dumped, time and locations of dumping, and such other records as required in section cited.

Retention period: Not specified. 40 CFR 224.1

1.11 Owners and operators of onshore or offshore facilities engaged in oil activities. [Added]

To maintain written procedures developed for prevention of oil pollution and record of inspection required in 40 CFR Part 112.

Retention period: 3 years. 40 CFR 112.7

XIX. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act.

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.14

1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs.

(a) To maintain a list in chronological order of names and addresses, sex, and minority group identification of all applicants in the apprenticeship program, and any other records relating to applicants for apprenticeship, such as completed test papers, and records of interviews.

(b) To maintain any other records made solely for completing Report EEO–2, or similar reports.

Retention period: (a) 2 years or period of successful applicant's apprenticeship, whichever is later; (b) 1 year from the due date of the report. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.20, 1602.21

1.3 Local unions.

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification.

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.22, 1602.28

1.4 State and local governments (noneducational institutions). [Added]

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of civil service and other state employees, except those working in educational institutions.

(b) To maintain information on employees in order to complete and file form EEO–4 as required.

Retention period: (a) 2 years, 29 CFR 1602.31; (b) 3 years, 29 CFR 1602.30

1.5 Public school systems, districts, and individual schools with 15 or more employees. [Aded]

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of all public school employees.

(b) To maintain information on employees in order to complete and file form EEO–5 as required.

Retention period: (a) 2 years, 29 CFR 1602.40; (b) 3 years, 29 CFR 1602.39

XX. FARM CREDIT ADMINISTRATION

1.1 Farm credit banks and associations.

To maintain original corporate records, payroll records, basic personnel records, records required by Federal or State laws, Federal records, financial reports as of June 30 and December 31 each year, applications, notes, security instruments, financial statements, and individual records pertaining to loans charged off where net loss after recoveries exceeds $1,000, and listing of obsolete records destroyed.

Retention period: Not specified. 12 CFR 618.8360

XXI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations. [Amended]

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed and dated by qualified person making the measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep program, operating and maintenance logs except for licensees of international radio stations who keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years and for such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster and those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to or involved in any claims or complaint—until satisfaction of such claim or complaint or until barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of radio stations in the experimental, auxiliary, and special broadcast services, and of cable television relay stations.

To keep log of station operations including hours of operation, programs transmitted, frequency checks, pertinent remarks concerning transmission, research and experimentation conducted, tower light inspections, and such other records as indicated in sections cited.

Retention period: 2 years, except licensees of instructional television fixed stations and cable television relay stations keep records for such longer period as the Commission may direct or in case of claim or complaint, until satisfaction of such claim or complaint or until barred by statute limiting the time for filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1291 78.69

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: 2 years. 47 CFR 74.437

1.7 Licensees of radio stations in the experimental services (other than broadcast).

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 17.49 (retention: 5.165)

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster or those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime services and Alaska-public fixed stations.

To maintain station records and logs as indicated in sections cited.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to an investigation by the Commission—until written authorization by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.193, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.504, 81.536, 81.704 (retention: 81.115)

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and that the vessel operators shall use the ship stations subject to the orders of the licensee of the coast station or marine utility station on shore.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radio stations on shipboard in the maritime services. [Amended]

To maintain station logs and such other records as indicated in sections cited.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to or involved in an investigation by the Commission—until written notification by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) ship-radar station licensees retain a permanent installation and maintenance record. 47 CFR 83.39, 83.111, 83.115, 83.184, 83.330, 83.368, 83.405, 83.456, 83.457, 83.462, 83.463, 83.473, 83.548, 83.819

1.14 Licensees of radio stations in the aviation services.

All stations at fixed locations, except radionavigation land test stations (MTF. to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: 30 days; except those logs involving communications incident to a distress or disaster or involved in an investigation by the Commission—until written notification by the Commission to destroy; or logs incident to or involved in a claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing suit upon such claim. 47 CFR 87.99, 87.101, 87.103

1.15 Public service aircraft.

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety, industrial, and land transportation radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of person or persons responsible for the foregoing and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160, 93.160

1.17 Licensees of public safety, industrial, land transportation, and citizens radio stations sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: 1 year. 47 CFR 89.13, 89.14, 91.6, 91.9, 93.3, 93.4, 95.87 (retention: 89.179, 91.160, 93.160, 95.103)

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, and base and mobile stations.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.4 (retention: 91.160, 93.160)

1.19 Licensees of amateur radio stations.

To maintain accurate logs of station operation including information indicated in sections cited.

Retention period: 1 year following the last date of entry or if portions of log deal with public safety or national defense retain until authorized by the Commission to destroy. 47 CFR 97.103, 97.105, 97.209, 97.211, 97.213

1.20 [Reserved]

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with the requirements of 47 CFR Part 15, Subpart C.

Retention period: 5 years. 47 CFR 15.69

1.22 [Reserved]

1.23 Licensees of citizens radio service stations.

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 17.49, 95.89, 95.101, 95.111 (retention: 95.103)

1.24 [Reserved]

1.25 Licensees of disaster communications service radio stations.

To keep an accurate log of all operations including information indicated in sections cited.

Retention period: 1 year or if a portion of log related to an actual disaster, until approval by the Commission to destroy. 47 CFR 99.25, 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations and an operation logbook as indicated in section cited.

Retention period: 1 year, or if records involving communications incident to a disaster or involved in an investigation by the Commission—until written authorization by the Commission to destroy; or if involved in a claim or complaint—until satisfaction of claim or complaint or until barred by statute limiting time for filing a suit upon such claim. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Various. 47 CFR 25.177 (retention: 42.9)

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 [Reserved]

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations. [Amended]

To maintain applications for construction permits, employment records, and such other records as may be required by section cited.

Retention period: Various. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations.

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 [Reserved]

1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.467

1.34 Operators of cable television systems.

To maintain (a) record of all television signals carried, (b) equal employment opportunity file, (c) records of results of performance tests of the system.

Retention period: (a) 2 years, (b) and (c) 5 years. 47 CFR 76.305, 76.311, 76.601

1.35 Licensees of FM broadcast translator stations and FM broadcast booster stations.

To maintain statien records of current instrument of authorization, official correspondence, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

Retention period: 2 years. 47 CFR 74.1281

1.36 Licensees of plurality ship stations.

To keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

Retention period: Not specified. 47 CFR 83.39

1.37 Licensees of ship stations authorized to transmit on frequencies in the band 400–535.

To maintain and post a written record of adjustments of transmitting and receiving equipment for operation on frequencies 410 and 500 kc/s and two working frequencies.

Retention period: Not specified. 47 CFR 83.331

1.38 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention.

To keep a record on board the ship of the direction finder calibrations, and check bearings made of their accuracy.

Retention period: 1 year. 47 CFR 83.459, 83.462

1.39 Common carrier licensees or permittees employment records. [Amended]

Each licensee or permittee required to file annual employment reports, equal opportunity programs and reports on complaints of Federal, State, or local equal opportunity laws must maintain for public inspection a copy of all employment reports, exhibits, letters, documents and correspondence between Commission and licensee or permittee pertaining to reports after they are filed and all documents incorporated therein by reference.

Retention period: 2 years. 47 CFR 21.307, 24.55

1.40 Grantee of certification for door opener, field disturbance sensor.

To keep a file of technical data for each field disturbance sensor and each radio control for a door opener that has been certificated.

Retention period: Not specified. 47 CFR 15.272, 15.313

XXII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

XXIIa. Federal Energy Office [Added]

1.1 Suppliers, resellers, and operators of propane storage facilities and users of propane.

To maintain complete records of all transactions in propane.

Retention period: Not specified. 32 A CFR EPO Reg. 3

XXIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

1.1 Federal savings and loan associations. [Amended]

To maintain a complete record of all business transactions, and to maintain at either its home office or at a branch or service office located within 100 miles of the home office, all general accounting records, including all control records, of all business transactions at each office and agency.

Retention period: Not specified. 12 CFR 545.15

1.2 Federal savings and loan associations.

To maintain a detailed record of the transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14–4

1.3 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14–3

1.4 Federal savings and loan associations. [Amended]

To keep a record for each loan secured by one or more dwelling units. Such record shall contain documentation showing the number of dwelling units covered by the loan, the number of bedrooms in each dwelling unit, and whether such dwelling units are in an elevator-type structure.

Retention period: Not specified. 12 CFR 545.6–1

1.5 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6–11

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations.

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus accounts.

Retention period: Not specified. 12 CFR 545.2–2

1.8 Federal savings and loan associations.

To earmark all real estate loan investments subject to percentage limitations so that the association will be able to determine the total investments allocable to any percentage-limitation category.

Retention period: Not specified. 12 CFR 545.6–7

1.9 Federal savings and loan associations. [Added]

To keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.20

1.10 Federal savings and loan associations. [Added]

To keep in its records a card containing the signature of the owner of a savings account obtained in connection with the issuance of such account.

Retention period: Not specified. 12 CFR 545.2

2. Federal Savings and Loan Insurance Corporation

2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, each insured institution shall establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item

Retention period: Not specified. 12 CFR 563.17–2

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution shall keep a signed appraisal of the property securing every whole loan which such institution makes or purchases under section 563.9 or in which such institution participates under section 563.9–1 unless such loan is insured or guaranteed in accordance with section 563.10(f). Each insured institution shall also keep copies of the certification by its board of directors or loan committee of such appraisal.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution each insured institution shall by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

2.5 [Reserved]

2.6 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

(c) To maintain such other records as will establish compliance with the provisions of section cited.

Retention period: Not specified. 12 CFR 563.25

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

Retention period: Not specified. 12 CFR 564.2, 564.9

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation.

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23–1

2.9 [Transferred to XXIII 4.1]

2.10 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Added]

An insured institution which elects to defer and amortize gains and losses on security transactions shall maintain such records as the Corporation may deem necessary.

Retention period: Not specified. 12 CFR 563.23–2

2.11 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Insured institutions and service corporations shall maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified. 12 CFR 563.23–3

3. Federal Home Loan Bank System

3.1 Federal Home Loan Bank Members.

To maintain such records as may be required to certify compliance with liquidity requirements.

Retention period: Not specified. 12 CFR 523.13

3.2 Federal Home Loan Bank members participating in the housing opportunity allowance program.

To keep a copy of borrowers application and the originals of all other closing documents.

Retention period: Not specified. 12 CFR 527.6, 527.16

4. Savings and Loan Holding Companies

4.1 Savings and loan holding companies. [Transferred from XXIII 2.9]

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1

XXIV. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

(a) To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

(b) To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

1.3 Resident representative of a conference or other rate-making group domiciled outside the United States.

To keep a complete record of requests and complaints filed by shippers and consignees situated in the United States and its territories.

Retention period: 2 years. 46 CFR 527.5

XXV. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 125.3

1.2 **Natural gas companies.**

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 225.3

XXVI. FEDERAL RESERVE SYSTEM

1.1 **Persons extending credit for purpose of purchasing or carrying margin securities.**

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 **Persons extending credit for purpose of purchasing or carrying margin securities.**

To maintain statements obtained in conformity with requirements of Federal Reserve Form G–3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security.

Retention period: 3 years after the credit is extinguished. 12 CFR 207.1

1.3 **Banks extending credit for purpose of purchasing or carrying margin stocks.**

To maintain statements obtained in conformity with requirements of Federal Reserve Forms: U–1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock (unless specifically not required); U–2 in connection with credit extended to an OTC market maker; U–3 in connection with credit extended to a third market maker; U–5 and U–6 in connection with credit extended to block positioners.

Retention period: 3 years after the credits are extinguished. 12 CFR 221.3

1.4 **Brokers and dealers extending credit.**

To maintain statements obtained in conformity with requirement of Federal Reserve Form T–4 for every extension of credit on a margin security (other than an exempted security) not for the purpose of purchasing or carrying or trading in securities.

Retention period: 3 years after the credit is extinguished. 12 CFR 220.7

1.5 **Persons obtaining credit that is collateralized by securities.**

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 224.4

1.6 **Persons obtaining credit from outside the United States that is collateralized by securities.**

To maintain records substantially in conformity with requirements of Federal Reserve Form X–1 in connection with credit obtained from sources outside the United States, with certain exceptions, if the credit is secured in any way by collateral that includes any United States security or security registered on a national securities exchange.

Retention period: 6 years after credit is extinguished. 12 CFR 224.2

1.7 **Creditors making disclosures under the Truth in Lending Act.**

To maintain evidence of compliance with Federal Reserve Regulation Z.

Retention period: 2 years after date of each disclosure. 12 CFR 226.6

XXVII. FEDERAL TRADE COMMISSION

1.1 **Wool products manufacturers.**

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 **Fur products manufacturers and dealers in furs and fur products.**

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase; if exemption on basis of cost claimed, records of cost required.

Retention period: 3 years. 16 CFR 301.39, 301.41

1.3 **Dealers advertising prices of furs and fur products.**

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4–1.6 [Transferred to XVIIa]

1.7 **Textile fiber products manufacturers and distributors substituting labels.**

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8–1.11 [Transferred to XVIIa]

1.12 **Packagers or labelers engaged in retail sale price representations.**

To maintain invoices or other records in compliance with sections cited for those sponsoring (a) cents-off representations; (b) introductory offers; and (c) economy size representations.

Retention period: (a) 1 year beyond year in which representation is made; (b) 1 year subsequent to offer; and (c) 1 year. 16 CFR 502.100(d), 502.101(e), 502.102(d)

1.13 [Transferred to XVIIa]

XXVIII. GENERAL ACCOUNTING OFFICE

1.1 **Contractor using Government bill of lading as shipper.**

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a records retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.18

1.2 **Contractors having Government contracts negotiated without advertising.**

To keep records pertaining to the contracted project. This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. 2313(c) or 41 U.S.C. 254(c). Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order 11603, June 30, 1971.

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

1.3 Contractors and subcontractors having Government contracts or subcontracts under Public Law 85–804, relating to national defense.

To keep pertinent books, documents, papers, and records related to contracts and subcontracts, and amendments or modifications thereof, entered into without regard tc other provisions of law governing contracts in order to facilitate the national defense under Public Law 85–804, August 28, 1958, as amended (50 U.S.C. 1431–1436) as implemented by Executive Order No. 10789, November 14, 1958, as amended (50 U.S.C. 1431 note). This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. 1433(b).

Retention period: 3 years after final payment under contract. 50 U.S.C. 1433(b). However, subcontracts under contracts for experimental developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952.

1.4 Newspapers, magazines, or outdoor advertising businesses or operators.

To maintain all certifications and authorizations needed by or for each legally qualified candidate for Federal elective office and record of date used and charges made.

Retention period: 2 years. 11 CFR 4.12

1.5 Treasurers of political committees and candidates.

To maintain full and complete records of proceeds from all fund raising events as well as sale of campaign emblems, literature, pins, etc.

Retention period: 4 years. 11 CFR 14.4

XXIX. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract or subcontract and to justify the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor or subcontractor records title to which is transferred to a Federal agency; war contractor or subcontractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (44 U.S.C. ch. 33), and war contractor or subcontractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or subcontractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract or subcontract, whichever applicable period is longer. 41 CFR 101–13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents.

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c). [Amended]

To maintain books, documents, papers, and records involving transactions relating to the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2(e), 1–7.103–3, 1–7.602–7

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulation. 41 CFR 1–1.710–3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulations. 41 CFR 1–1.805–3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause. [Amended]

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1–7.102–5

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431–1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment or until expiration of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR 1–20), whichever expires earlier. 41 CFR 1–17.206(e)

1.11 [Reserved]

1.12 **Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681–689).**

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101–15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program 41 CFR 101–15.109

1.13 **Contractors and subcontractors required to submit cost and pricing data in conjunction with certain firm fixed-price or fixed-price with escalation negotiated contracts in excess of $100,000 or in conjunction with certain contract modifications in excess of $100,000.** [Amended]

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor or subcontractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2 (a) and (b), 1–7.103–18, 1–7.602–5

1.14 **Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of $100,000.** [Amended]

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier; (2) if contract or subcontract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract, litigation or the settlement of claims arising out of performance of the contract or subcontract, or costs and expenses of the contract or subcontract as to which exception has been taken by the contracting officer, shall be retained until disposition has been made of such appeals, litigation, claims, or exceptions. 41 CFR 1–3.814–2(c), 1–7.103–18, 1–7.602–5

XXX. INTERSTATE COMMERCE COMMISSION

1.1 **Refrigerator car lines.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 **Railroad companies.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 **Electric railway companies.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

1.4 [Reserved]

1.5 **Express companies.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

1.6 **Pipeline companies.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

1.7 **Persons furnishing cars to railroads.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1225

1.8 **Rate-making organizations.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1253

1.9 **Motor carriers and brokers.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

1.10 **Water carriers.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1227

1.11 **Freight forwarders.**

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1228

XXXI. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 **Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of $2,500.**

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18–7.104–15; 18–7.302–6

1.2 **Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders or fixed-price prime research and development contracts, in excess of $2,500.**

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18–7.104–15; 18–7.302–6

1.3 **Contractors with cost-reimbursement type contract, including facilities contracts.**

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.4 **Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.**

To maintain books, records, documents, and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.5 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.6 Contractors with fixed-price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.7 Contractors with fixed-price construction contracts amounting to more than $10,000.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.8 Subcontractors with fixed-price subcontracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.706

1.9 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18–12.403–1(d); 18–7.705–5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.702; 18–13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.

Retention period: Not specified. 41 CFR 18–13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.706, 18–13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18–7.104–42; 18–7.203–29; 18–7.303–29; 18–7.350–18; 18–7.402–30; 18–7.451–30; 18–7.702–48; 18–7.703–41; 18–7.704–33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18–7.702–17; 18–7.704–11

1.15 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18–1.707–3(b)

1.16 Contractors with contracts containing an inspection clause.

To keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18–7.103–5; 18–7.203–5; 18–7.302–4; 18–7.402–5; 18–7.451–5; 18–7.702–6; 18–7.703–6; 18–7.704–8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates.

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment or as specified in Appendix M of the NASA Procurement Regulation. 41 CFR 18–3.807–4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701–1

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18–12.303–1, 18–12.403–1

1.22 Contractors and subcontractors subject to the Service Contract Act of 1965.

To keep records of each employee, name and address, basic employment, earning record, and work time schedules.

Retention period: 3 years after completion of the work. 41 CFR 18–12.1004

1.23 Educational institutions or nonprofit agencies participating in the NASA grant program. [Added]

To maintain (a) original or signed copy of each document, with supporting data, and (b) all accounting records relating to the cost under such grants.

Retention period: (a) Not specified; (b) 3 years. 14 CFR 1260.308, 1260.406

XXXII. NATIONAL CREDIT UNION ADMINISTRATION

1.1 [Reserved]

1.2 Custodians of records of liquidated Federal Credit Unions. [Amended]

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 12 CFR 710.13

XXXIII. [Deleted]

XXXIV. OFFICE OF ECONOMIC OPPORTUNITY

1.1 Community action agencies receiving financial assistance under title II of the Economic Opportunity Act.

To keep a copy of each Administrative Cost Report, its supporting work sheets and a written explanation to explain the basis for classifying and allocating personnel costs, as part of their financial records.

Retention period: Not specified. 45 CFR 1068.3–8

1.2 Legal services project attorneys. [Added]

To maintain a log of all working activities and leave taken as specified in section cited.

Retention period: At least 2 years. 45 CFR 1061.7–3

XXXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXXVI. [Deleted]

XXXVII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 5 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c) (1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXXVIII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers. [Amended]

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances and records of the computation of aggregate indebtedness and net capital; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention period: 6 years and 3 years as specified in the sections cited. Records may be microfilmed immediately. 17 CFR 240.17a–3, 240.17a–4, 240.15c3–3

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Records may be microfilmed immediately. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual and subsidiary service companies in registered public utility holding company systems.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Various. 17 CFR 256.01–8 and Part 256a

1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: Various. 17 CFR 257.0–3 and Appendix to Part 257

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies. [Amended]

To keep such accounts, books, and other documents relating to its business as indicated in sections cited.

Retention period: Various. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company. [Amended]

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company. [Amended]

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 270.31a–1 (retention: 270.31a–2)

1.9 Records prepared or maintained by others than person required to maintain and preserve them. [Amended]

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940). [Amended]

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 275.204–2

1.11 Nonmember brokers and dealers.

To maintain current records for each customer as specified in the section cited.

Retention period: 6 years. Records may be kept on film after the first 2 years. 17 CFR 240.15b10–6

1.12 Brokers and dealers submitting quotations.

To maintain records as specified in section cited.

Retention period: 6 years and 3 years. Records may be microfilmed immediately. 17 CFR 240.15c2–11 (retention: 240.17a–4)

1.13 Registered national securities exchanges and associations.

To maintain a record of each extension granted to a broker or dealer pursuant to section cited including a summary of justification for granting such extension.

Retention period: 3 years. 17 CFR 240.15c3–3

XXXIX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act. [Amended]

(a) To maintain general and subsidiary ledgers (or other records) reflecting assets and valuation, liability, capital stock and surplus, income, and expense accounts; all general and special journals (or other records forming the basis for entries in such ledgers); and corporate charter, bylaws, license application, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(b) To maintain applications for financing; size status declarations; lending, participation, and escrow agreements; financing instruments; capital stock certificates and warrants of small concerns not surrendered or exercised; and all other documents and supporting materials relating to such loan or investment.

(c) To maintain accounting records, including vouchers, checkbooks, bank statements, memoranda, correspondence, etc.

Retention period: (a) Permanent; (b) 6 years following final disposition of related loan or investment; and (c) 6 years. Microfilm reproduction may be substituted for originals pursuant to section cited. 13 CFR 107.1102

XL. UNITED STATES POSTAL SERVICE

1.1 Postage meter licensees. [Amended]

To maintain record of register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 144.2, 144.3

1.2 Manufacturers of postage meters. [Revised]

To maintain record of (a) serial numbers of all meters manufactured, showing movement of each from time it is produced until it is scrapped and reading of ascending register each time it is checked into or out of service through a post office; and (b) serial numbers of all meter keys issued.

Retention period: (a) 3 years after meter is scrapped; (b) permanent. 39 CFR 144.9

1.3 Apartment house managers.

To maintain, pursuant to Publication 17, "Apartment House Mail Receptacles, Regulations and Instructions," records of keys supplied by manufacturers and jobbers, relating the key number to the receptable number, so that, when necessary, new keys may be ordered and of the combinations of keyless locks so that new tenants may be given the combination.

Retention period: Key numbers—until the lock has been changed, when it may be destroyed; combinations to the keyless locks—until the combination is changed, when it may be destroyed. 39 CFR 155.6

1.4 Commercial mail receiving agencies.

To maintain a copy of Form 1583, Application for Delivery of Mail Through Agent.

Retention period: During period of agency. 39 CFR 154.2

1.5 Contractors with the Postal Service.

To maintain and make available to the Postal Service books and records respecting (a) negotiated fixed-price supply contracts in excess of $5,000 (PCM, 7–104.15); (b) cost-reimbursement supply contracts (PCM, 7–203.7); (c) cost or pricing data submitted by bidders or offerors (PCM, 3–814.2); and (d) time and material and labor hour contracts (PCM, 7–901.17).

Retention period: At least 3 years after final payment under the contract pursuant to PCM. 39 CFR Part 601 (References given above are to the Postal Contracting Manual, incorporated by reference into the Code of Federal Regulations.)

XLI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8–11.250–2

1.2 Medical schools, hospitals, and research centers receiving grants for the exchange of information. [Amended]

To maintain records of amount and disposition of grant funds, total cost of project, amount of cost of project received from other sources, and payroll records and kickback statements of all laborers and mechanics working at the project.

Retention period: 3 years after final payment. 38 CFR 17.266, 17.267

1.3 Holders of loans for mobile homes and lots.

To keep records of payments received, disbursements chargeable thereto, and dates thereof.

Retention period: Until Administrator ceases to be liable for loan. 38 CFR 36.4215

1.4 Colleges and universities, medical schools, and other educational facilities receiving grants for the improvement of medical and allied health education. [Added]

To maintain records of amount and disposition of grant funds, total cost of project, costs supplied from other sources, and such other records as requested by the Administrator.

Retention period: Not specified. 38 CFR 17.411

1.5–1.6 [Reserved]

1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and re-

ceived from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

1.12 State approving agencies, institutions, and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records and number of inspection, approval and supervisory visits and itemized vouchers for payment, including salary and travel.

Retention period: 4 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8–95.209

1.13 Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to (a) payroll records, (b) records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to and of 3-year period. 38 CFR 21.4209

XLII. WATER RESOURCES COUNCIL

1.1 State agencies receiving funds under the Water Resources Planning Act.

To maintain records relating to each allotment and grant and their allocability to the State comprehensive water and related land resources planning effort.

Retention period: 3 years after last disbursement of funds. 18 CFR 703.10

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Supplement II—Aeronautics and Space Requirements on Availability of Credentials for Inspection in 14 CFR

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INDEX

EXPLANATION: The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus, a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

Items included in the index are keyed to the department (or agency) number shown in the contents. References are to agency and item numbers, not to FEDERAL REGISTER pages.

federal register

THURSDAY, MARCH 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 56

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

Apple, Citrus, and Potato Subcategories

On November 9, 1973, notice was published in the FEDERAL REGISTER (38 FR 31076), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory, and the dehydrated potato products subcategory of the Canned and Preserved Fruits and Vegetables Processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the Canned and Preserved Fruits and Vegetables Processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 407. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory, and dehydrated potato products subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the citrus, apple and potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" (November, 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Fruit and Vegetable Processing Industry" (October, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Health, Education and Welfare; Sunkist Growers, Inc.; Council for Agricultural Science and Technology; Tree Top, Inc.; National Canners Association; American Frozen Food Institute; Taterstate Frozen Foods; Florida Canners Association; Potato Processors of Idaho; State of California; State of New York; State of Michigan; The R.T. French Company; J. R. Simplot Company; Ore-Ida Foods, Inc; Water Resources Council and State of Colorado.

Each of the comments received was reviewed and anlyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) A number of comments reflected concern that the effluent limitations would not be met by the exemplary treatment systems used in their development.

Effluent treatment data from the exemplary treatment systems has been reviewed with the determination that several exemplary systems would not meet each maximum thirty day and maximum daily limitation throughout the processing season. Additional data has been received which has expanded the data base, strengthened the reliability of the exemplary data, and demonstrated the monthly and daily fluctuations experienced by the exemplary treatment systems. The data base for one plant was expanded from four months to twelve months and another from six months to sixteen months. One system was omitted from the exemplary list after additional information supplied by industry voided most of the effluent data. In summary, the discharge values representative of the exemplary treatment systems have been reviewed and some have been revised. The effluent limitations have been accordingly revised so that exemplary plants used to develop the limitations in each subcategory meet respective maximum day and maximum thirty day limitations.

(2) The comment was made that the proposed subcategorization was inadequate in view of variations in unit costs for small plants as compared with large plants and the possible effect of temperature on biological treatment efficiency.

Each of these factors has been considered and additional subcategorization is not required with regard to size; severe diseconomies of scale have not been realized by small processors with either best practicable or best available technology. Effluent limitations have been developed from exemplary treatment systems at plants ranging in size from very small to very large. Activated sludge treatment is effectively utilized by both small and large processors; land disposal techniques such as irrigation and municipal disposal systems are also used throughout the industry without regard to plant size. As for the effect of temperature on treatment efficiency, biological systems are effectively utilized in all climates. Activated sludge, aerated lagoons and trickling filters are exemplary treatment systems operating effectively in cold temperatures. The fluctuation experienced throughout the year by Canadian exemplary plants are the principal basis for determining maximum limitations.

(3) A number of comments were received that questioned the validity of using data from Canadian processors. It was suggested that these Canadian plants were operating under different economic conditions than those experienced in the United States.

The Agency has contacted Canadian officials and important similarities have been found between the U.S. and Canadian methods of handling industrial expenditures for pollution control equipment. Canada allows a rapid tax write-off for capital equipment for pollution control. The U.S. allows either a rapid tax write-off or an investment tax credit. There are no Canadian subsidies for pollution control; there is no industrial pollution control demonstration program such as that funded in the U.S. One of the two Canadian plants utilized in the development of the effluent limitations has received government finances for capital equipment within the processing plant because it located within an economically depressed region. No pollution control expenditures were allowed. No government finances or subsidies have been given to the other Canadian processing plants. Since the American and Canadian industries operate within similar tax guidelines, receive no direct pollution control subsidies, and compete in similar markets, then the Canadian data is valid and useful in determining best practicable or best available control technologies.

(4) The comment was made that the cost and energy requirements of best practicable technology were underestimated.

The Agency's cost and energy estimates were prepared from calculations of average waste water loadings based on

generally accepted engineering practices. Cost estimates were verified with industry-supplied information. Calculations were prepared separately for each treatment technology by subcategory. It is understandable that some industry estimates might be excessive if higher than average waste loads were treated or if comparisons were made based on flow alone. High land costs or poor treatment design causing poor mixing or poor oxygen transfer might also create excessive cost or energy requirements. However, no dramatic capital or operating costs or energy increases should be attributable to any increased need for additional treatment technology which might result from compliance with this regulation. Industry cost estimates include costs for biological treatment plus costs for land treatment systems such as spray irrigation. Since no incompatible pollutants are discharged from this industry segment, no pretreatment or municipal treatment costs are applicable.

(5) Concern was expressed with regard to the omission of disinfection of industry waste waters.

The Agency has reviewed industry waste water information and has found that high levels of fecal coliform bacteria may exist. Disinfection is consequently a necessary adjunct to the effluent limits. Coliform bacterial limits have not been imposed as 1977 limitations because of economic considerations; 1983 limitations include a discharge limit for the fecal coliform bacteria. This limit is readily achievable by chlorination, ozonation or other possible methods for disinfecting water.

(6) The suggestion was made that land disposal techniques such as spray or flood irrigation are not the panacea for achieving the effluent limitations.

The Agency recognizes that land disposal techniques are not the only treatment technology available to food processors for achieving the effluent limitations. No single alternative is the panacea for achieving the limitations. Land treatment, however, is an effective technology which offers a viable alternative to biological treatment or municipal discharge. Such factors as availability of suitable land or proximity to a municipal system will influence the selection of a treatment technology. The economic and technical attractiveness of land disposal techniques are reflected in the large number of food processors that utilize land disposal techniques.

(7) The comment was made that a start-up period of four days was not sufficient time to allow treatment plants to achieve the limitations.

Information describing exemplary activated sludge and trickling filter systems indicate that required sludge growths can be achieved in two to four days and the required removal rate can be achieved in four to seven days after a two or three month shut-down period in which the systems were maintained in an operable state. Accordingly, the start-up period has been increased to one week and allowances in the maximum and thirty day limitations are permitted for this start-up period.

(8) One commenter suggested the possibility that a public health hazard may result from compliance with the regulation.

Neither best practicable nor best available technology requires significant in-plant changes that could result in a public health hazard. Efficient water management programs are encouraged and the Agency agrees that the programs must be based on minimum Good Manufacturing Practices.

(9) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) The data from the exemplary treatment plants have been reviewed with the result that the discharge values are more representative of the effectiveness of the exemplary systems. Accordingly, the 1977 and 1983 limitations for BOD5 and TSS which are based on these treatment plants have been modified to reflect more accurately the average of the performances of these exemplary plants.

(2) The maximum thirty day and maximum day limitations have been modified to reflect more accurately the demonstrated fluctuations experienced by the exemplary treatment systems.

(3) The best available control technology economically achievable has been changed to specifically include disinfection; effluent limits for fecal coliform bacteria have been added to the 1983 limitations.

(4) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The above mentioned changes will not significantly affect the conclusion of the economic study of the proposed regulation. Because most effluent limitations are less stringent than originally proposed, the economic impact has actually been lessened.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the Apple, Citrus and Potato segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Apple, Citrus, and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particulary on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, FRUITS AND VEGETABLES PROCESSING INDUSTRY" (October, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved fruits and vegetables processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple, Citrus and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 407, Canned and Preserved Fruits and Vegetables Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Apple Juice Subcategory

Sec.
407.10 Applicability; description of the apple juice subcategory.
407.11 Specialized definitions.
407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.14 [Reserved]
407.15 Standards of performance for new sources.
407.16 Pretreatment standards for new sources.

Subpart B—Apple Products Subcategory

407.20 Applicability; description of the apple products subcategory.
407.21 Specialized definitions.
407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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407.25 Standards of performance for new sources.
407.26 Pretreatment standards for new sources.

Subpart C—Citrus Products Subcategory

407.30 Applicability; description of the citrus products subcategory.
407.31 Specialized definitions.
407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.34 [Reserved]
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407.36 Pretreatment standards for new sources.

Subpart D—Frozen Potato Products Subcategory

407.40 Applicability; description of the frozen potato products subcategory.
407.41 Specialized definitions.
407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.44 [Reserved]
407.45 Standards of performance for new sources.
407.46 Pretreatment standards for new sources.

Subpart E—Dehydrated Potato Products Subcategory

407.50 Applicability; description of the dehydrated potato products subcategory.
407.51 Specialized definitions.
407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.54 [Reserved]
407.55 Standards of performance for new sources.
407.56 Pretreatment standards for new sources.

Subpart A—Apple Juice Subcategory

§ 407.10 Applicability; description of the apple juice subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of apples into apple juice or apple cider. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.60	0.30
TSS	.80	.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.60	0.30
TSS	.80	.40
pH	Within the range 6.0 to 9.0.	

§ 407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	

§ 407.14 [Reserved]

§ 407.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb. of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the apple juice subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.15: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Apple Products Subcategory

§ 407.20 Applicability; description of the apple products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of apples into apple products. The processing of apples into caustic peeled or dehydrated products is specifically excluded. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	1.10	0.55
TSS	1.40	.70
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	1.10	0.55
TSS	1.40	.70
pH	Within the range 6.0 to 9.0.	

§ 407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb. of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.24 [Reserved]

§ 407.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the apple products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Citrus Products Subcategory

§ 407.30 Applicability; description of the citrus products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of citrus into citrus products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on raw material covered by each subcategory.

§ 407.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manuafcturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.80	0.40
TSS	1.70	0.85
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.80	0.40
TSS	1.70	0.85
pH	Within the range 6.0 to 9.0.	

§ 407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pound per 1,000 lb of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.34 [Reserved]

§ 407.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	

§ 407.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the citrus products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act; if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of

such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Frozen Potato Products Subcategory

§ 407.40 Applicability; description of the frozen potato products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of white potatoes into frozen potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different from that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	2.80	1.40
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	2.80	1.40
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	

§ 407.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.44 [Reserved]

§ 407.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the frozen potato products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR Part 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Dehydrated Potato Products Subcategory

§ 407.50 Applicability; description of the dehydrated potato products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of white potatoes into dehydrated potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establising the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharge effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD$_5$	2.40	1.20
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD$_5$	2.40	1.20
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	

§ 407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD$_5$	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD$_5$	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.54 [Reserved]

§ 407.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD$_5$	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD$_5$	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dehydrated potato products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.55; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING

Application of Effluent Limitations Guidelines

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 407—Canned and Preserved Fruits and Vegetables Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory of the canned and preserved fruits and vegetables processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 407) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.*" (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 407.15, 407.25, 407.35, 407.45 and 407.55 of the proposed regulation for point sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory (November 9, 1973; 38 FR 31076) contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains § 407.16, 407.26, 407.36, 407.46 and 407.56 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple, Citrus and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Fruits and Vegetables Processing Industry," (October, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines, which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effect of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of apple, citrus, and potato products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of apple, citrus and potato products. The two reports exceed, in the aggregate, 100 pages

in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the canned and preserved fruits and vegetables processing category (38 FR 31076; November 9, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 407) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

For the apple juice and apple products subcategories, citrus products subcategory and the frozen and dehydrated potato products subcategories, the first option is appropriate and the guidelines should not apply. While potential problems could occur from discharges of large quantities of caustic solutions from peeling operations such as lye dip potato peelers, D'limonene from citrus peel operations, or oil from frying operations, adequate in-plant control methods are available to keep significant quantities of these materials out of the waste water.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 407 be amended to add §§ 407.14, 407.24, 407.34, 407.44, and 407.54 as set forth below. All comments received within thirty days of the publication of this notice of proposed rulemaking will be considered.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR Part 407 is proposed to be amended by adding the following sections as follows:

* * * * *

Sec.
407.14 Pretreatment Standards for Existing Sources.
407.24 Pretreatment Standards for Existing Sources.
407.34 Pretreatment Standards for Existing Sources.
407.44 Pretreatment Standards for Existing Sources.
407.54 Pretreatment Standards for Existing Sources.

Subpart A—Apple Juice Subcategory

§ 407.14 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart B—Apple Products Subcategory

§ 407.24 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart C—Citrus Products Subcategory

§ 407.34 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart D—Frozen Potatoe Products Subcategory

§ 407.44 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart E—Dehydrated Potatoe Products Subcategory

§ 407.54 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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