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PART I


## HIGHLIGHTS OF THIS ISSUE

**This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.**



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### PART II:



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# REMINDERS

(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.

page no. and date

CUSTOMS SERVICE—Scheduled aircraft operated by scheduled airlines elsewhere than at an international airport; permission for first landing. 10238; 3–19–74

ECONOMIC OPPORTUNITY OFFICE—Valuation of volunteered personal services for purposes of computing the Non-Federal share..... 10253; 3–19–74

LABOR DEPARTMENT—Comprehensive Manpower Program and grants to areas of high unemployment 10373; 3–19–74

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# List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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.

# Presidential Documents

## Title 3—The President

PROCLAMATION 4285

## Mother's Day, 1974

*By the President of the United States of America*

### A Proclamation

Over three million children were born in the United States last year, and the job of guiding them to maturity will be carried out primarily by their mothers. There is no undertaking more challenging, no responsibility more awesome.

In addition to carrying out their family responsibilities, mothers are today, as never before, moving into other highly skilled jobs and careers. Barriers against equal opportunity for women have been disappearing rapidly, but we must remain diligent in our effort to remove them.

I am particularly pleased that this year we can celebrate Mother's Day in a world in which America is at peace, a world in which no American mother need fear for the well-being of a husband or son in a far-off land.

The Congress, by a joint resolution of May 8, 1914 (38 Stat. 770), designated the second Sunday of May each year as the day on which we honor all mothers for their countless contributions to their families, to their communities and to their Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 12, 1974, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

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

Richard Nixon

[FR Doc.74-9070 Filed 4-16-74;4:56 pm]

# Rules and Regulations



## Title 7—Agriculture

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

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Witchweed

MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

*Correction*

In FR Doc. 74-7531, appearing at page 11973 in the issue for Tuesday, April 2, 1974, make the following changes:

1. In the entry for *"Duplin County"* following amendatory paragraph 4, in the 13th and 12th lines from the bottom of the middle column on page 11973, delete the phrase "thence west State Secondary Road 1733,".

2. In the material for *"Lenoir County"* below amendatory paragraph 4, the entry which begins "The Whiefield, James A.," should be changed to read "The Whitfield, James A.,".

3. In the material for *"Lenoir County"* below amendatory paragraph 4, the entry which begins "The Whitfield, James A.," should be changed to begin "The Whitfield, Marietta,".

4. In the paragraph beginning *"Moore County"*, in the fourth line, the word "sad" should be changed to read "said".

5. In the second paragraph of the material for *"Florence County"* below amendatory paragraph 8, in the fourth line from the bottom the word "each" should be changed to read "east".

6. The paragraph now beginning *"Harry County"* below amendatory paragraph 8, should be changed to begin *"Horry County"*.

7. In the material for *"Horry County"* below amendatory paragraph 8, in the entry for "The Lewis, Boyd, farm", the word "sad" in the next to last line should be changed to read "said".

### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

### PART 728—WHEAT

#### 1975 Wheat Allotment

On March 5, 1974, notice of proposed rule making regarding determinations with respect to the 1975 national allotment for wheat was published in the FEDERAL REGISTER (39 FR 8334). Interested persons were invited to submit written data, views, and recommendations regarding the determination. The comments and recommendations received have been duly considered.

A new § 728.4a is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, to determine and proclaim the 1975 national allotment for wheat.

Pursuant to section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, the Secretary is required to proclaim a national wheat acreage allotment not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. Such allotment shall be the number of acres he determines on the basis of the estimated national average yield for the crop for which the determination is being made will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

The determination in § 728.4a of the 1974 national wheat allotment is based on the estimated yield and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government.

Part 728 is amended by adding a new § 728.4a to read as follows:

**§ 728.4a 1975 national wheat allotment.**

Based on an estimated national yield of 32.8 bushels per acre and an estimated total utilization (less imports) for the 1975–76 marketing year of 1,754 million bushels, the 1975 national wheat allotment is determined to be 53.5 million acres and a national allotment of that amount is hereby proclaimed. The estimated total utilization (less estimated imports of 1 million bushels) is based on estimated domestic use of 805 million bushels and estimated exports of 950 million bushels. Since carryover stocks at the end of the marketing year will be adequate but not excessive, no adjustment in the allotment for the purpose of increasing or decreasing carryover stocks was determined to be necessary.

(Sec. 379c, 87 Stat. 227 (7 U.S.C. 1379c))

*Effective date:* This amendment shall be effective April 18, 1974.

Signed at Washington, D.C. on April 12, 1974.

CLAYTON YEUTTER,
*Acting Secretary of Agriculture.*

[FR Doc.74-8889 Filed 4-17-74;8:45 am]

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

[Navel Orange Reg. 321]

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

#### Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 19–25, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.621 Navel Orange Regulation 321.**

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

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is strong. Prices f.o.b. averaged $3.58 a carton on a reported sales volume of 1,332 carlots last week, compared with an average f.o.b. price of

$3.25 per carton and sales of 1,614 carlots a week earlier. Track and rolling supplies at 509 cars were down 129 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 16, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 19, 1974, through April 25, 1974, are hereby fixed as follows:

(i) District 1: 1,350,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 17, 1974.

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

[FR Doc.74-9117 Filed 4-17-74;3:06 pm]

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

[Valencia Orange Reg. 461]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 19–25, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia oranges prices, and the relationship of season average returns to the parity price for Valencia oranges.

### § 908.761 Valencia Orange Regulation 461.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is good. Prices f.o.b. averaged $2.84 per carton on a reported sales volume of 145 carlots last week, compared with an average f.o.b. price of $2.59 per carton and sales of 101 carlots a week earlier. Track and rolling supplies at 104 cars were up 32 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 16, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 19, 1974, through April 25, 1974, are hereby fixed as follows:

(i) District 1: 81,000 Cartons;

(ii) District 2: 78,000 Cartons;

(iii) District 3: 166,000 Cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 17, 1974.

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

[FR Doc.74-9118 Filed 4-17-74;3:06 pm]

## CHAPTER X—AGRICULTURAL MARKETING SERVICE

[Docket No. AO-251-A16]

## PART 1011—MILK IN THE APPALACHIAN 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 Appalachian 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 Bristol, Virginia, on February 8, 1974, pursuant to notice thereof issued on February 4, 1974 (39 FR 4483).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 22, 1974 (39 FR 11088), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

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.

The material issues on the record relate to:

1. The Class II milk price.
2. Need for emergency action.

#### Findings and Conclusions

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

1. *Class II price.* The Class II price should be the Minnesota-Wisconsin (M–W) price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

The present Class II price, which averaged $5.57 in 1973, is the average of the prices paid for ungraded milk at specified local manufacturing plants in March-August and, in other months, the higher of that average price or a butter-powder formula price. The local plant pay price and the order's butter-powder formula price for 1973 averaged $5.24 and $6.00, respectively. The 1973 M–W price averaged $6.30. The 1973 differences between these various prices are consistent with those that have prevailed for a number of years. (The prices referred to throughout this discussion are for a hundred-weight of milk containing 3.5 percent butterfat.)

A cooperative representing all but one of the producers on the market proposed that the Class II price be the lower of the M–W price for a butter-powder formula price, with a proviso that the Class II price be not less than the M–W price minus 20 cents. The butter-powder formula proposed by the cooperative is presently used as a snubber price in conjunction with the M–W price in a number of other orders. Such formula price is 23 cents more than that resulting from the butter-powder formula now provided in the order. There was no opposition to changing the present basis for pricing Class II milk.

The Class II pricing provisions of the order, essentially unchanged since inception of the order in 1954, do not appropriately reflect the value of milk for manufacturing use in the market. Of the 10 specified local manufacturing plants, the pay prices for ungraded milk of which are used as a Class II price determinant, three are no longer in operation. The remaining plants receive both can and bulk tank ungraded milk from dairy farmers. Each plant's reported pay price used in computing the Class II price is a simple average of its pay price for can and bulk tank milk. The pay prices for can milk are from $1.25 to $1.40 below pay prices for bulk tank milk. Currently, the pay prices at these plants for bulk tank milk are 10 to 15 cents more than the M–W price.

The proponent cooperative sells the milk of member producers in excess of its buying handlers' needs to local manufacturing plants at a price 25 to 50 cents above the M–W price. Apart from its Grade A operations, the cooperative purchases ungraded milk from local dairy farmers for manufacturing uses. The cooperative's pay price for this milk currently is 15 cents more than the M–W price.

A substantial part of the Class II milk pooled under the order is utilized in the higher-valued Class II outlets, such as cottage cheese and ice cream mix. Production, however, is not adequate on a year-round basis to supply fully handlers' needs for these uses. Handlers commonly utilize nonfat dry milk to produce cottage cheese when local milk is not available. Their costs for nonfat solids from this source are significantly greater than would be the case for solids in milk purchased at the order Class II price.

Proponent cooperative is the primary supplier of all handlers under the order. The milk made available to handlers for Class II uses by the cooperative is priced at the M–W price plus a stated differential.

The spokesman for the proponent cooperative stated that the Class II price should reflect the competitive value of milk for manufacturing uses and should be appropriately aligned with the prices in orders regulating handlers with which Appalachian handlers have substantial competition. He cited particularly the competition of Appalachian order handlers with handlers under the Ohio Valley and the Middle Atlantic orders. However, on cross examination he could not substantiate any significant competition between regulated Appalachian and Middle Atlantic order handlers.

The competition with Ohio Valley handlers, related by proponent, is specifically with regard to cottage cheese sales. While proponent spokesman noted that the Ohio Valley lowest class price (Class III) is the lesser of the M–W price or a butter-powder formula, milk used to produce cottage cheese (Class II) under that order is priced at the M–W price plus 10 cents.

Notwithstanding proponent's position, the Appalachian order sales and the production areas overlap those of the nearby Knoxville order substantially more than any other order. The Class II price under the Knoxville order is the M–W price, which is here adopted for the Appalachian order.

Since more than half the manufacturing grade milk in the United States is produced in Minnesota and Wisconsin, the M–W manufacturing milk price series reflects the value of manufacturing milk nationwide. This price series reflects a price level determined by open competition among unregulated manufacturing plants for the available milk supply and the finished products are sold competitively on a national market.

The M–W price is used in most orders as a basis for pricing milk in the lowest price class. Indicative of this is the decision issued February 19, 1974 (39 FR 8452, et al.) that adopts the M–W price as the lowest class (Class III) price in 32 orders. Official notice is taken of that decision. The same decision adopts a price 10 cents above the M–W price as the price for Class II milk, which includes milk used to produce higher-valued manufactured milk products such as cottage cheese and ice cream mix.

The cooperative's proposal (utilizing a butter-powder formula in conjunction with the M–W price to determine the Class II price) could result in a Class II price as much as 20 cents below the M–W price. The testimony presented at the hearing, however, provided no justification for a Class II price at this time less than the M–W price. The cooperative is able to market all milk in excess of its buying handlers' Class I needs at a price equal to or above the M–W price. Moreover, milk for Class II uses is not available to regulated handlers from the cooperative or from alternative sources of supply at less than the M–W price. Additionally, the value of milk for manufacturing purposes locally, as indicated by the prices paid for both Grade A and ungraded milk in bulk by local manufacturing plants, is above the level of the M–W price. Under these circumstances, it is concluded that the M–W pay price should be established as the appropriate means for pricing milk for other than Class I use under the Appalachian order.

2. *Need for emergency action.* The notice of hearing provided for evidence to be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposal to change the Class II pricing provisions. At the hearing, proponent recognized a need for prompt action on the proposal, but stated that marketing conditions did not require emergency action. Moreover, no testimony was presented at the hearing to justify omission of the recommended decision and the opportunity to file exceptions thereto. The proposal for taking emergency action is therefor denied.

#### Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed on behalf of an interested party. This 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 the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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.

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 Appalachian 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.

[1] 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.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

February 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 Appalachian 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: April 12, 1974.

JOHN DAMGARD,
*Deputy Assistant Secretary.*

Order[1] amending the order, regulating the handling of milk in the Appalachian 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 Appalachian 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.

[1] Filed as part of the original document.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Appalachian 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 March 1, 1974, and published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11088) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

In § 1011.51, paragraph (b) is revised as follows:

**§ 1011.51 Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[FR Doc.74-8891 Filed 4-17-74;8:45 am]

## Title 42—Public Health

## CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER D—GRANTS

### PART 50—POLICIES OF GENERAL APPLICABILITY

### Restrictions Applicable to Sterilization Procedures in Federally Assisted Family Planning Projects

On February 6, 1974, the Department adopted regulations on sterilization restrictions in Federally funded programs and projects (39 FR 4730, 4733). Thereafter the effective date of the regulations was delayed to permit resolution by the United States District Court for the District of Columbia of legal issues raised in Relf v. Weinberger, Civil Action No. 1557-73 and in National Welfare Rights Organization v. Weinberger, Civil Action No. 74-243 (39 FR 5315, 9178).

On March 15, 1974, the United States District Court entered its judgment and order in the two lawsuits referred to above, declaring that the family planning sections of the Public Health Service Act (42 U.S.C. 300 et seq., 708(a)(3)) and of the Social Security Act (42 U.S.C. 602(a)(15), 1396d(a)(4)(C)) do not authorize the provision of Federal funds for the sterilization of any person who (1) has been judicially declared mentally incompetent, or (2) is in fact legally incompetent under applicable State laws to give informed and binding consent to the perfomance of such an operation because of age or mental capacity. The court ordered that the Department's regulations be amended to conform with the directive just described and that they further be amended to state that Federal funds will not be provided under the aforesaid family planning sections for the sterilization of a legally competent person without requiring that such person be advised that no benefits provided by programs or projects receiving Federal

funds may be withdrawn or withheld by reason of his or her decision not to be sterilized and without requiring that such advice also appear prominently at the top of the consent document mentioned in such regulations.

On March 20, 1974, to permit the Department to consider what action must be taken to amend its regulations and other matters, a notice was published delaying the effective date of the regulations (39 FR 10431) and continuing in effect the previous notice of the Department with respect to sterilization guidelines (38 FR 20930).

This previous notice provided that pending the effective date of the final regulations Federal financial participation should be withheld from any sterilization procedure performed on an individual who is under the age of 21 or who is himself legally incapable of consenting to the sterilization.

The purpose of this document is to adopt regulations in accordance with the Court Order with respect to persons legally capable of consenting to a sterilization while continuing in effect the moratorium set forth in the previous notice of the Department with respect to sterilization of individuals under the age of 21 or legally incapable of consenting to the sterilization. The continuance of the moratorium, together with the adoption of these regulations, brings the Department into compliance with the Order of the District Court while the Department considers its options, including appeal of that portion of the Court Order relating to persons legally incapable of consenting to a sterilization.

The regulations published at 39 FR 4730 and 4733 whose effective date was delayed by notice published at 39 FR 10431 are hereby replaced by the regulations contained herein. Accordingly, the above referred to moratorium is continued until further notice published in the FEDERAL REGISTER and a new Subpart B is added to Part 50, as set forth below, effective on April 18, 1974, applicable to existing programs and projects as well as to programs or projects approved for Federal support on or after that date.

Dated: April 16, 1974.

CASPAR W. WEINBERGER,
*Secretary.*

**Subpart B—Sterilization of Persons In Federally Assisted Family Planning Projects**

Sec.
50.201 Applicability.
50.202 Definitions.
50.203 Restrictions on sterilization.
50.204 Reports.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216).

**§ 50.201 Applicability.**

The provisions of this subpart are applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, administered by the Public Health Service.

**§ 50.202 Definitions.**

(a) "Public Health Service" means the Health Services Administration, Health Resources Administration, National Institutes of Health, Center for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Food and Drug Administration and all of their constituent agencies.

(b) "Nontherapeutic sterilization" means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either (1) a necessary part of the treatment of an existing illness or injury, or (2) medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph mental incapacity is not considered an illness or injury.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "Informed consent" means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

(1) A fair explanation of the procedures to be followed;

(2) A description of the attendant discomforts and risks;

(3) A description of the benefits to be expected;

(4) An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;

(5) An offer to answer any inquiries concerning the procedures; and

(6) An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled.

(7) The documentation referred to in this section shall be provided by one of the following methods:

(i) Provision of a written consent document detailing all of the basic elements of informed consent (paragraphs (d)(1) through (d)(6) of this section).

(ii) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient.

(iii) Each consent document shall display the following legend printed prominently at the top:

NOTICE: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

**§ 50.203 General Policies.**

(a) In addition to any other requirement of this subpart, programs or projects to which this subpart applies shall not perform nor arrange for the performance of any nonemergency sterilization unless: (1) Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and (2) such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized.

(b) A program or project to which this subpart applies shall not perform nor arrange for the performance of any nonemergency sterilization unless such program or project has obtained legally effective informed consent from the individual on whom the sterilization is to be performed.

(c) Programs or projects to which this subpart applies shall not perform nor arrange for the performance of a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.

**§ 50.204 Reports.**

In addition to such other reports specifically required by the Secretary, the program or project shall report to the Secretary at least annually, the number and nature of the sterilizations subject to the procedures set forth in this subpart, and such other relevant information regarding such procedures as the Secretary may request.

[FR Doc.74-9078 Filed 4-17-74;10:23 am]

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**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Airworthiness Docket No. 74-WE-7-AD; Amdt. 39-1820]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Hughes Model 269 Series Helicopters**

There has been evidence of fretting and fracture in the main rotor ring gear drive shaft assembly of the main rotor transmission in Hughes 269 series helicopters which could cause loss of power to the main rotor. Investigations and examinations of these parts have suggested that a number of conditions, either singularly or in combination, may tend to cause fatigue fracture in this part: Loosening between the P/N 269A-5112 coupling and the P/N 269A 5180 shaft, exposure to abusive treatment or an unusual environment, installation of salvaged or used ring gear drive shaft assemblies taken from damaged or wrecked helicopters. The manufacturer recognized the potential hazard when using salvaged parts and, therefore, issued service letter number L-45 dated June 10, 1968, advising owners and operators of the risk in using such parts.

The investigation shows that the fracture more typically appeared in the aluminum gear drive shaft where six

special fasteners secure the steel coupling to the aluminum gear drive shaft. However, in one instance, a fracture was found to originate where the lower bearing cup, P/N 269A5051-9, is seated against the shaft and propagated upward to the area where the coupling was fastened to the gear shaft. Initially, the investigations have suggested that drive shaft assemblies in transmissions which were manufactured prior to a certain serial number may have had less than the required degree of interference fit between the gear drive shaft inside diameter and the coupling outside diameter; however, subsequent failures have proven this not to be the case. Failures of the drive shaft assembly have occurred for transmissions with serial numbers prior to, and following, the manufacturer's serial number designation for identifying possible defective parts by way of Hughes Service Information Notice No. N-114, dated February 25, 1974. In regard to severe operational conditions as a factor in altering the condition of the shaft assembly, strikes of the main rotor that result in destruction of a blade, or the sudden loading from prior crash impact may be possible sources of hidden damage to the shaft assembly. While inspection instructions for rotor blade strikes or sudden stoppage of the drive system have been provided in the Hughes 269 series Handbook of Maintenance Instructions, Appendix B, section 2, by way of inspections of the shaft assembly, the agency has determined that more detailed inspections are warranted.

This airworthiness directive provides specific requirements for inspection, modification, replacement and removal of gear drive shaft assemblies from service. Those shafts which meet the inspection criteria may be reworked in accordance with the manufacturer's procedures to extend the useful life of the part. The directive calls for identification of modified transmissions and of drive shaft assemblies and also limits the time on the part since modification or since new which may be accumulated before the shaft assembly must be removed from service.

Since this condition exists or is likely to develop in other main rotor ring gear drive shaft assemblies of the same type design, an airworthiness directive is being issued to require revision of Hughes Service Information Notice No. N-114, dated February 25, 1974, periodic inspections, modification and replacement of the drive shaft assembles, P/N 269A5179, on Hughes Model 269 series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES. Applies to Hughes Model 269 series helicopters, certificated in all categories, incorporating main rotor ring gear drive shaft assemblies, P/N 269A5179, in main transmission assembly, P/N 269A5175 series.

Compliance required as indicated.

To prevent possible failure of the main rotor ring gear drive shaft assembly, accomplish the following:

(1) For helicopters which have shaft assemblies with 1000 hours of more total time in service, (except as noted in paragraphs (2) and (4)), accomplish the following:

(a) Within 50 hours additional time in service after the effective date of this AD, perform the inspections and any necessary replacements in accordance with the special inspection procedures specified in paragraph (5).

(b) Repeat the special inspections and any necessary replacements in accordance with paragraph (5) within 1000 hours additional time in service after the accomplishment of (a).

(c) At no more than 3000 hours total time in service on the shaft assembly, accomplish the inspections and modifications described in Hughes Service Information Notice No. N-114, dated February 25, 1974, or later FAA-approved revisions, and in addition, the special revisions in paragraph (6) of this AD supplementing the corresponding requirements of Hughes Service Information Notice No. N-114, dated February 25, 1974. Only the procedures for accomplishing the inspections and modifications in Hughes Service Information Notice No. N-114 apply to this AD.

(d) Perform the special inspections and any necessary replacements in accordance with paragraph (5), within 1000 hours additional time in service after the accomplishment of (c).

(e) Repeat the inspections and any necessary replacements in accordance with paragraph (5), within 1000 hours additional time in service after the accomplishment of (d).

(f) Remove the drive shaft assembly from service after no more than 3000 hours additional time in service from the accomplishment of the modification in paragraph (1)(c).

(2) For helicopters which have shaft assemblies with 3000 hours or more total time in service, accomplish the following:

(a) Within 25 hours additional time in service after the effective date of this AD, perform the inspections and modifications described in Hughes Service Information Notice No. N-114, dated February 25, 1974, or later FAA-approved revisions, and in addition, the special revisions in paragraph (6) of this AD supplementing the corresponding requirements of Hughes Service Information Notice No. N-114, dated February 25, 1974. Only the procedures for accomplishing the inspections and modifications in Hughes Service Information Notice apply to this AD.

(b) Perform the special inspections and any necessary replacements in accordance with paragraph (5), within 1000 hours additional time in service after the accomplishment of (2)(a).

(c) Repeat the special inspections and any necessary replacements in accordance with paragraph (5), within 1000 hours additional time in service after the accomplishment of (2)(b).

(d) Remove the drive shaft assembly from service no later than 3000 hours additional time in service after the accomplishment of the modification in paragraph (2)(a).

(3) Installation of replacement shaft assemblies:

(a) Shaft assemblies having zero total time in service at installation, are subject to the provisions of paragraph (1).

(b) For shaft assemblies which have been used, or which have been modified in accordance with Hughes Service Information Notice No. N-114, dated February 25, 1974, and for which the service history of the part is documented, accomplish the procedures in paragraphs (1) or (2), above, depending upon the amount of prior time accumulated in service on the part. When paragraph (2) applies to a used shaft assembly, accomplish the modification prior to installation of the part in the aircraft.

(c) Shaft assemblies for which the prior service history cannot be documented must be discarded.

(4) For helicopters with shaft assemblies which have had the inspections and modifications in Hughes Service Information Notice No. N-114, dated February 25, 1974 performed prior to the effective date of this AD, accomplish the following:

(a) For helicopters which have shaft assemblies with 1000 hours or more total time in service since modification, within 50 hours additional time in service perform the special inspections and any necessary replacements in accordance with paragraph (5).

(b) Repeat the special inspections and any necessary replacements in accordance with paragraph (5) within 1000 hours additional time in service after accomplishment of (4)(a).

(c) Remove the drive shaft assembly from service no later than 3000 hours additional time after modification.

(5) The following special inspections shall be performed at the periods specified in this AD.

(a) Using a magnifying glass having at least 10X power, conduct a close visual inspection of the main rotor ring gear drive shaft assembly, P/N 269A5179, at the area of the lower bearing bore and where the lower bearing cup, P/N 269A5051-9, seats against the P/N 269A5180 aluminum shaft, for fine cracks, wear, nicks, burrs, fretting, or other damage. In addition, for possible correction of minor defects, refer to Hughes Service Information Notice No. N-114, dated February 25, 1974, pages 8 and 9, Item a(4).

(b) Measure the shaft lower bearing bore inside diameter and the lower bearing cup outside diameter at four equally spaced locations around the mating areas. Add and average the inside and outside diameters separately; subtract the average inside diameter from the average outside diameter to determine the interference fit. The acceptable interference fit is .007 inch minimum to .009 inch maximum. The acceptable dimensions for the diameters are as follows:

| | |
|---|---|
| Shaft lower bearing bore I.D.--- | 5.367-5.368 |
| Lower bearing cup O.D.-------- | 5.375-5.376 |

(c) Using a magnifying glass having at least 10X power, conduct a close visual inspection of the visible areas of the shaft assembly for fine cracks adjacent to the six locking collars. Removal of the locking collars is not required for this inspection. Do not disturb the locking collars while performing this inspection.

(d) If cracks are not found as a result of the inspections of (a) and (c) above, conduct a fluorescent or dye penetrant inspection of the same areas.

(e) If any crack, wear, nicks, burrs, fretting, or other damage is evidenced, or if a dimension is found to be out of limits as a result of the above inspection, replace the defective drive shaft assembly with a replacement assembly prior to further flight. In addition, for possible correction of minor defects, refer to Hughes Service Information Notice No. N-114, dated February 25, 1974, pages 8 and 9, Item a(4).

(f) If a sharp edge exists at the lower bearing cup seat at the shoulder I.D., remove the sharp edge with a stone or 100 grit or finer emery cloth. Remove approximately .005–.010 inch material.

(6) Hughes Service Information Notice No. N-114, dated February 25, 1974, is revised to include the following inspections:

(a) In the "Disassembly and Inspection" Section of the above Notice, add the following to page 8, step 4, to read:

"4(a) Measure the shaft lower bearing bore inside diameter and the lower bearing cup outside diameter at four equally spaced locations around the mating areas. Add and average the inside and outside diameters separately; subtract the average inside diameter from the average outside diameter to determine the interference fit. The acceptable interference fit is .007 inch minimum to .009 inch maximum. The acceptable dimensions for the diameters are as follows:

Shaft lower bearing bore I.D.___ 5.367–5.368
Lower bearing cup O.D._____ 5.375–5.376

"4(b) If a sharp edge exists at the lower bearing cup seat at the shoulder I.D., remove the sharp edge with a stone or 100 grit emery cloth or finer. Remove approximately .005–.010 inch material."

(b) In the "Modification Procedures" Section of the above Notice, add the following to page 13, step f(3), to read:

"f(3) Make sure that the interference fit is .0015 inch minimum to .005 inch maximum."

(c) In the "Modification Procedures" Section of the above Notice, add the following to page 13, step g(3), to read:

"g(3) Grind plated area on coupling to a diameter of 3.754–3.755 inches, concentric within 0.003 inch TIR. Surface finish is to be within 16 micro-inches RMS. Make sure the interference fit is .0015 inch minimum to .005 inch maximum."

(7) Operators whose helicopters, as of the effective date of this AD, experience sudden stoppage of the drive system or main rotor blade strikes resulting in damage to the rotor blade at the root fitting or damper attachment area, shall contact Hughes Service Department for revised Maintenance inspections pertaining to this subject in Appendix B, Revision No. 2, and Appendix C, Revision No. 3 to the Hughes 269 Series Handbook of Maintenance Instructions.

(8) If cracks or other defects are found, or the shaft assembly is removed from service, (except as noted in paragraph (11)) report the following information to the Chief, Aircraft Engineering Division, FAA Western Region, Los Angeles, California, and to Hughes Helicopters, Division of Summa Corporation, Attention: Service Department, Culver City, California, as soon as possible. Reporting is approved by the Bureau of Budget under BOB No. 04–RO–174.

(a) Model of helicopter.

(b) Serial number of the aluminum shaft, P/N 269A5180. If no shaft serial number can be provided, record serial number of the shaft assembly.

(c) Transmission part number and serial number.

(d) Total hours accumulated on the shaft assembly, and total hours prior to the last previous inspection or modification per this AD, and total hours prior to the last previous inspection of the transmission.

(e) Date of inspection and approximate date of occurrence of failure or defect if known.

(f) Which inspection per this airworthiness directive and Hughes Service Information Notice No. N–114 resulted in detection of the cracks or other defects.

(g) Crack size dimensions and location.

(h) Shaft lower bearing bore inside diameter and the lower bearing cup outside diameter dimensions and interference fit.

(i) Whenever applicable per this AD, the interference fit between the coupling outside diameter and shaft inside diameter, and dimensions, prior to modification of the shaft assembly.

(j) Whenever applicable per this AD, the interference fit between the coupling outside diameter and shaft inside diameter and dimensions after modification of the shaft assembly, but prior to assembly of the parts.

(k) AD number and date and Hughes Service Information Notice No. N–114 and date. (Revisions to these documents may be forthcoming.)

(l) The origin of the part, i.e., an original shaft assembly in the transmission, a replacement shaft assembly from another helicopter, a modified shaft assembly per the manufacturer's service documents or a shaft assembly installed with 1,000 hours or less time in service.

(9) Record inspections and modifications performed in compliance with this AD in Aircraft Maintenance Records in accordance with FAR 43.9.

(10) Identify in a conspicuous manner, to prevent inadvertent return to service, shaft assemblies that have been removed from service due to the provisions of this AD and Hughes Service Information Notice No. N–114, dated February 25, 1974, and return parts (except as noted in paragraphs (3)(c) and (11)) for analysis to Hughes Helicopters, Division of Summa Corporation, Attention: Service Department, Culver City, California.

(11) For helicopters which have shaft assemblies for which the prior service history cannot be documented, the shaft assembly shall be removed from service within 25 hours additional time in service.

(12) Equivalent inspection and modification procedures of the main rotor ring gear drive shaft assembly may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(13) Helicopters may be flown to a base where maintenance may be performed to comply with this AD, per FARs 21.197 and 21.199.

(14) Revisions to this AD may be adopted as a result of further tests and investigations.

This amendment becomes effective April 22, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on April 8, 1974.

ARVIN O. BASNIGHT,
*Director,*
*FAA Western Region.*

[FR Doc.74–8869 Filed 4–17–74;8:45 am]

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[Airspace Docket No. 73–GL–57]

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

### Designation of Transition Area

On page 34743 of the FEDERAL REGISTER dated December 18, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Orr, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 g.m.t., June 20, 1974.

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

Issued in Des Plaines, Illinois on April 4, 1975.

JOHN M. CYROCKI,
*Director,*
*Great Lakes Region.*

In § 71.181 (38 FR 435), the following transition area is added:

ORR, MINN.

That airspace extending upward from 700 feet above the surface within a five mile radius of Orr Municipal Airport (latitude 48°01'00" N., longitude 92°51'21" W.); within three miles each side of the 312° bearing from the Orr Municipal Airport, extending from the five mile radius to eight miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within five miles east and 9½ miles west of the 312° bearing of the Orr Municipal Airport extending from the airport to 18½ miles northwest; within five miles each side of the 132° bearing of the Municipal Airport extending from the airport to 12 miles southeast of the airport.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

[FR Doc.74–8873 Filed 4–17–74;8:45 am]

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[Airspace Docket No. 74–SW–1]

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

## PART 73—SPECIAL USE AIRSPACE

### Designation of Temporary Restricted Areas

On February 19, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 6124) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas adjacent to Fort Hood, Tex. The restricted areas would be used to contain a joint military exercise "BRAVE CREW 74" which is scheduled from June 17 through June 20, 1974. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control areas for the duration of their time of designation.

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

The Air Transport Association of America (ATA) concurred in the proposal provided adequate procedures are established to assure no penalties to air carrier operations.

Provisions have been established for air traffic control of nonparticipating aircraft. The handling will be the same as previously agreed to in the last two exercises at Fort Hood.

Based upon a reassessment of exercise requirements by FAA and military representatives, it has also been determined that the proposed Restricted Area, R-6315C, will not be needed. Accordingly, the proposed R-6315C is omited from the final rule and R-6315D is relabeled R-6315C. As this is within the scope of the Notice, additional notice and public procedure is not required.

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

1. Section 71.151 (39 FR 343) is amended to include the following temporary restricted areas for the duration of their time of designation:

R-6315A Brave Crew 74, Tex.
R-6315B Brave Crew 74, Tex.

2. Section 73.63 (39 FR 687) is amended to include the following temporary restricted areas:

a. R-6315A Brave Crew 74, Tex.
Boundaries.
Beginning at Lat. 32°00'00" N., Long. 97°-50'00" W.; to Lat. 32°10'00" N., Long. 98°-32'00" W.; to Lat. 31°36'00" N., Long. 99°00'00" W.; to Lat. 31°00'00" N., Long. 99°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 30°50'00" N., Long. 97°44'00" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; to Lat. 31°13'45" N., Long. 97°32'35" W.; to Lat. 31°50'00" N., Long. 97°46'00" W.; to point of beginning, excluding that airspace beginning at Lat. 31°00'00" N., Long. 97°37'00" W.; to Lat. 31°00'30" N., Long. 97°41'00" W.; thence clockwise via the arc of a 5-mile-radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°09'00" N., Long. 97°40'20" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; to point of beginning from 500 feet AGL to and including 4,000 feet MSL, and excluding that airspace from 500 feet AGL to and including 800 feet AGL within a 3-mile radius of the following airports:
City-County Airport, Gatesville, Tex. (Lat. 31°25'16" N., Long. 97°47'48" W.)
Moccasin Bend Airport, Gatesville, Tex. (Lat. 31°29'06" N., Long. 97°48'05" W.)
Hamilton Municipal Airport, Hamilton, Tex. (Lat. 31°40'15" N., Long. 98°08'45" W.)
Dublin Jay Cee Airport, Dublin, Tex. (Lat. 32°03'19" N., Long 98°19'09" W.)
Dublin Municipal Airport, Dublin, Tex. (Lat. 32°04'05" N., Long. 98°19'30" W.)
Lee Campbell Ranch Airport, Dublin, Tex. (Lat. 32°01'57" N., Long. 98°25'09" W.)
DeLeon Municipal Airport, DeLeon, Tex. (Lat. 32°05'55" N., Long. 98°31'30" W.)
Comanche County-City Airport, Comanche, Tex. (Lat. 31°55'00" N., Long. 98°36'00" W.)
Dudley Airport, Comanche, Tex. (Lat. 31°52'-15" N., Long. 98°39'45" W.)
Mills County Airport, Goldthwaite, Tex. (Lat. 31°28'55" N., Long. 98°34'25" W.)
Bowie Memorial Airport, Brownwood, Tex. (Lat. 31°40'00" N., Long. 98°59'00" W.)
San Saba Municipal Airport, San Saba, Tex. (Lat. 31°14'06" N., Long. 98°43'00" W.)
Lampasas Airport, Lampasas, Tex. (Lat. 31°-06'27" N., Long. 98°11'45" W.)
Lometa Airport, Lometa, Tex. (Lat. 31°14'00" N., Long. 98°28'00" W.)
Designated altitudes. 500 feet AGL to and including FL 180.
Time of designation. Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.
Controlling agency. Federal Aviation Administration Houston ARTC Center.
Using agency. U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

b. R-6315B Brave Crew 74, Tex.
Boundaries.
Beginning at Lat. 32°10'00" N., Long. 98°32'00" W.; to Lat. 32°10'00" N., Long. 99°30'00" W.; to Lat. 31°10'00" N., Long. 99°30'00" W.; to Lat. 31°00'00" N., Long. 99°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 31°05'00" N., Long. 97°47'00" W.; to Lat. 31°50'00" N., Long. 97°46'00" W.; to Lat. 32°00'00" N., Long. 97°50'00" W.; to point of beginning.
Designated altitudes. FL 180 to and including FL 280.
Time of designation. Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

c. R-6315C Brave Crew 74, Tex.
Boundaries.
Beginning at Lat. 30°47'00"N., Long. 98°03'00"W.; to Lat. 31°02'00"N., Long. 98°11'00"W.; to Lat. 31°27'00"N., Long. 98°11'00"W.; to Lat. 31°24'00"N., Long. 97°43'00"W.; to Lat. 31°22'33"N., Long. 97°42'45"W.; to Lat. 31°20'48"N., Long. 97°40'32"W.; to Lat. 31°19'37"N., Long. 97°40'32"W.; to Lat. 31°13'45"N., Long. 97°32'35"W.; to Lat. 31°06'06"N., Long. 97°32'42"W.; to Lat. 31°09'00"N., Long. 97°40'20"W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10"N., Long. 97°41'05"W.) to Lat. 31°00'30"N., Long. 97°41'00"W.; to Lat. 31°00'00"N., Long. 97°37'00"W.; to Lat. 30°50'00"N., Long. 97°44'00"W.; to point of beginning, excluding that airspace from 100 feet AGL to and including 500 feet AGL within a 3-mile radius of the following airports:
City-County Airport, Gatesville, Tex. (Lat. 31°25'16"N., Long. 97°47'48"W.)
Lampasas Airport, Lampasas, Tex. (Lat. 31°06'27"N., Long. 98°11'45"W.)
Designated altitudes. 100 feet AGL to and including 500 feet AGL.
Time of designation. Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

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

Issued in Washington, D.C., on April 12, 1974.

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

[FR Doc.74-8871 Filed 4-17-74;8:45 am]

[Docket No. 13605; Amdt. No. 912]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective May 30, 1974:*

Brownsville, Tex.—Brownsville Int'l. Arpt., VOR Rwy 26, Amdt. 15.
Detroit, Mich.—Willow Run, VOR Rwy 23L, Amdt. 1.
Georgetown, Del.—Sussex County Arpt., VOR Rwy 4, Orig.
Georgetown, Del.—Sussex County Arpt., VOR Rwy 22, Amdt. 1.
Greenville, Ill.—Greenville Arpt., VOR/DME-A, Orig.
Griffin, Ga.—Griffin Spaulding Co. Arpt., VOR/DME Rwy 13, Orig.
Hickory, N.C.—Hickory Municipal Arpt., VOR Rwy 24, Amdt. 15.
Jacksonville, Fla.—Craig Municipal Arpt., VOR-A, Amdt. 6, canceled.
Jacksonville, Fla.—Craig Municipal Arpt., VOR Rwy 13, Orig.
Jonesboro, Ark.—Jonesboro Municipal Arpt., VOR Rwy 23, Amdt. 3.

Lansing, Mich.—Capital City Arpt., VOR Rwy 6, Amdt. 13.
Port Angeles, Wash.—William R. Fairchild Int'l. Arpt., VOR-A, Amdt. 1.
Willard, Ohio—Willard Arpt., VOR-A, Orig., canceled.
Willard, Ohio—Willard Arpt., VOR/DME-A, Orig.

* * * *effective May 23, 1974:*

Pittsburgh, Pa.—Greater Pittsburgh Int'l Arpt., VOR Rwy 10R (TAC), Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l Arpt., VOR Rwy 28L, Amdt. 1.

* * * *effective May 2, 1974:*

Detroit, Mich.—Detroit City Arpt., VOR Rwy 33, Amdt. 13.

* * * *effective April 25, 1974:*

Memphis, Tenn.—Memphis Int'l. Arpt., VOR/DME Rwy 17R, Orig. Mt. Holly, N.J.—Burlington Co. Airpark, VOR-A, Amdt. 1, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 30, 1974:*

Bremerton, Wash.—Kitsap County Arpt., SDF Rwy 1, Amdt. 1.
Brownsville, Tex.—Brownsville Int'l. Arpt., LOC (BC) Rwy 31L, Orig.
Detroit, Mich.—Willow Run Arpt., LOC (BC) Rwy 23L, Amdt. 1.
Lansing, Mich.—Capital City Arpt., LOC (BC) Rwy 9, Amdt. 12.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., LOC Rwy 6L, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., LOC (BC) Rwy 3L, Orig.

* * * *effective April 25, 1974:*

Laconia, N.H., Laconia Municipal Arpt., LOC Rwy 8, Orig.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l. (Wold-Chamberlain) Arpt., LOC (BC) Rwy 11L, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 3.
Brownsville, Tex.—Brownsville Int'l. Arpt., NDB Rwy 13R, Amdt. 6.
Lansing, Mich.—Capital City Arpt., NDB Rwy 27, Amdt. 13.
Lebanon, Mo.—Floyd W. Jones Lebanon Arpt., NDB Rwy 36, Amdt. 1.
Longview, Tex.—Gregg County Arpt., NDB Rwy 13, Amdt. 5.
Tallahassee, Fla.—Tallahassee Municipal Arpt., NDB Rwy 36, Amdt. 11.
Van Wert, Ohio—Van Wert Municipal Arpt., NDB Rwy 9, Amdt. 1.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., NDB Rwy 6R, Amdt. 3.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28L, Amdt. 1.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28R, Amdt. 1.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 10L, Amdt. 6.

* * * *effective April 25, 1974:*

Laconia, N.H.—Laconia Municipal Arpt., NDB (ADF) Rwy 8, Amdt. 6, canceled.
Laconia, N.H.—Laconia Municipal Arpt., NDB Rwy 8, Orig.
Larned, Kans.—Larned-Pawnee County Arpt., NDB-A, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., ILS Rwy 8R, Amdt. 4.
Brownsville, Tex.—Brownsville Int'l. Arpt., ILS Rwy 13R, Amdt. 3.
Decatur, Ill.—Decatur Arpt., ILS Rwy 6, Amdt. 4.
Lansing, Mich.—Capital City Arpt., ILS Rwy 27, Amdt. 15.
Longview, Tex.—Gregg County Arpt., ILS Rwy 13, Amdt. 1.
Tallahassee, Fla.—Tallahassee Municipal Arpt., ILS Rwy 36, Amdt. 13.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., ILS Rwy 6R, Amdt. 3.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 10L, Amdt. 16.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 28L, Amdt. 16.

* * * *effective May 2, 1974:*

Denver, Colo.—Stapleton Int'l. Arpt., ILS BC Rwy 8R, Amdt. 1.

* * * *effective April 25, 1974:*

Minneapolis, Minn.—Minneapolis-St. Paul Int'l. (Wold-Chamberlain) Arpt., ILS Rwy 29R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., RADAR-1, Amdt. 12.
Baton Rouge, La.—Ryan Arpt., RADAR-1, Orig.
Burbank, Calif.—Hollywood-Burbank Arpt., RADAR-1, Amdt. 10.
Kahului, Hawaii, Kahului Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 30, 1974:*

Hillsboro, Oreg.—Portland-Hillsboro Arpt., RNAV Rwy 20, Orig.
Wichita, Kans.—Wichita Mid-Continent Arpt., RNAV Rwy 1L, Orig.

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

Issued in Washington, D.C., on April 11, 1974.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

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

[FR Doc.74-8870 Filed 4-17-74;8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-838, Amdt. 21]

### PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

### Registration of Air Taxi Operators on Less Than 30 Days' Notice and Other Miscellaneous Technical and Interpretative Amendments

*Correction*

In FR Doc. 74-5421, appearing at page 9173 in the issue of Friday, March 8, 1974, the last paragraph in the second column is corrected by deleting the words "adopted December 21, 1973, and". For your convenience, the entire paragraph, as corrected, is set forth in its entirety below.

* * * * *

In consideration of the foregoing, the Board hereby amends Part 298 of the Economic Regulations, effective March 8, 1974 as follows:

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## Title 21—Food and Drugs

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

### SUBCHAPTER C—DRUGS

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

### PART 149b—AMPICILLIN

### Change in Effective Date and Corrections

In FR Doc. 74-6030 appearing at page 9935 in the FEDERAL REGISTER of March 15, 1974, the Commissioner of Food and Drugs published a final order regarding recodifiction, name change, and technical revisions of the regulations providing for certification of the antibiotic drug ampicillin. The order provided for an effective date of April 15, 1974.

Inquiries have been received by the Commissioner regarding the effective date as it applies to required labeling changes for ampicillin drug products. The Commissioner finds that additional time to allow for the revising of labeling to reflect the minor name change is justified and that use of labeling that complies with all other requirements is not contrary to the public health. Therefore, the effective date is being revised, as set forth below, to allow for the use of currently approved labeling until the next label printing or for six months, whichever occurs first.

The following revisions and corrections are made:

**§ 141.544 [Amended]**

1. In column 2 on page 9936, the last eight lines of paragraph (a)(1) in

2. In column 1 on page 9937, the authority citation is revised to read, "The provisions of this Part 149b issued under § 141.544 are deleted.
sec. 507, 512(n), 59 Stat. 463 as amended, 82 stat. 350-351; 21 U.S.C. 357, 360b(n)."

**§ 149b.4 [Amended]**

3. In column 1 on page 9939, in § 149b.4(a)(1) the words, "sodium salt or" are corrected to read, "sodium salt of".

**§ 149b.14 [Amended]**

4. In column 1 on page 9941, in the second sentence in paragraph § 149b.14 (a)(1) the words, "it contains either 25 milligrams or 50 milligrams, or 100 milligrams" are corrected to read, "it contains either 25 milligrams, 50 milligrams, or 100 milligrams".

**§ 149b.20 [Amended]**

5. In column 2 on page 9943, the paragraph heading of § 149b.20(b)(1)(ii) is corrected to read, *"Assay procedures"*.

§ 149b.21 [Amended]

6. In column 3 on page 9943, in § 149b.21(a)(3)(i)(*a*) the word "crystalline" is corrected to read, "crystallinity".

7. In column 1 on page 9944, § 149b.23 (a) (1) and (2) are corrected to read as follows:

**§ 149b.23 Ampicillin trihydrate boluses, veterinary.**

(a) *Requirements for certification—(1) Standards of identity, strength, quality and purity.* Ampicillin trihydrate boluses are composed of ampillin trihydrate with or without one or more suitable and harmless diluents, buffers, preservatives, stabilizing agents and lubricants. * * *

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135c.107 and 148.3 of this chapter, and, in addition, this drug shall be labeled "ampicillin boluses, veterinary."

* * * * *

8. In column 1 on page 9945, the effective date of the order is corrected to read as follows:

*Effective date.* This order shall become effective on April 15, 1974, except that the nonproprietary name, where designated in paragraph (a) (2) of each section, shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever occurs first.

Dated: April 15, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74-8919 Filed 4-17-74;8:45 am]

## PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

### International Standards

A notice of proposed rule making was published in the FEDERAL REGISTER of July 18, 1972 (37 FR 14237) entitled "International Standards". In this document, the Commissioner of Food and Drugs proposed to define the relationship between Food and Drug Administration standards and International Units and provided for (but did not require) the labels of appropriate antibiotic products to bear the potency in terms of International Units. Also included in this proposal was the recognition of the World Health Organization bacitracin standard as the official FDA bacitracin master standard. The "unit" of bacitracin activity being defined was unchanged and no reformulation of pharmaceutical products would be needed. Interested persons were invited to submit comments on the proposal within 60 days. Three comments were received in response to the proposed rule making.

All three comments were received from manufacturers of veterinary products. They agreed to the use of the new master standard to define the bacitracin "unit" of activity for pharmaceutical drugs but requested that a "gram" of activity also be recognized. There is an established practice in the field of veterinary antibiotics to express the bacitracin activity in feed and in animal water medication products as grams per pound or ton or gallon of drinking water with each "gram" being equivalent to 42,000 units of bacitracin activity. The Association of Official Agricultural Chemists also recognizes this factor in their official methods of analysis of bacitracin in animal feed premixes and final feeds. To alter this factor would result in a great deal of confusion in the use of bacitracin in animal feed and in animal drinking water medication products. The Commissioner considers these comments valid and provision has been made in the final regulation to establish that a "gram" of bacitracin activity is by definition equivalent to 42,000 units.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 145 is amended in § 145.4 by adding an introductory text thereto, and by revising paragraphs (a) (2), (b) (13) and (b) (14) to read as follows:

**§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.**

Unless it has been otherwise specified in the individual definitions in this section, the activity assigned to each "unit" or "microgram" is equivalent to an International Unit, if such has been defined by the World Health Organization.

(a) * * *

(2) *Bacitracin.* The term "unit" applied to bacitracin means a bacitracin activity (potency) contained in 13.51 micrograms of the bacitracin master standard, except that when the activity (potency) of bacitracin is expressed in terms of its weight, as in the feed and drinking water of animals, 1 gram of activity is equivalent to 42,000 units.

* * * * *

(b) * * *

(13) *Colistin.* The term "microgram" applied to colistin means the colistin base activity (potency) contained in 1.495 micrograms of the colistin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistin is not equivalent to the International Unit.

(14) *Colistimethate.* The term "microgram" applied to colistimethate means the activity (potency) calculated as colistin base that is contained in 1.938 micrograms of the colistimethate master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistimethate is not equivalent to the International Unit.

* * * * *

*Effective date.* This order shall become effective May 20, 1974.

(Sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357))

Dated: April 12, 1974.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.74-8917 Filed 4-17-74;8:45 am]

## PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

### Redefining "Microgram" as It Applies to Carbenicillin Indanyl

The material originally designated as the carbenicillin indanyl master standard has deteriorated and a new material, which has a different potency, has been designated as the carbenicillin indanyl master standard. Since the definition of the term "microgram" as it applies to carbenicillin indanyl is based on the master standard, the Commissioner of Food and Drugs finds that the regulations should be amended, as set forth below, to provide for the new potency of the master standard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 145 is amended in § 145.4 by revising paragraph (b) (52) to read as follows:

**§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.**

* * * * *

(b) * * *

(52) *Carbenicillin indanyl.* The term "microgram" applied to carbenicillin indanyl means the carbenicillin activity (potency) contained in 1.4514 micrograms of the carbenicillin indanyl master standard.

* * * * *

Since this matter is noncontroversial in nature and publication of a proposal with time for comment is impracticable and unnecessary, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

*Effective date.* This order shall be effective on April 18, 1974.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: April 12, 1974.

MARY A. MCENIRY,
*Assistant to the Director for Regulatory Affairs, Bureau of Drugs.*

[FR Doc.74-8918 Filed 4-17-74;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

## PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

## PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

### Variances From Performance Standards

On October 24, 1973, the Commissioner of Food and Drugs published a notice of proposed rule making in the FEDERAL REGISTER (38 FR 29340) to amend Parts 1010 and 1020 of Subchapter J to provide for the granting of variances to any electronic product for which there are standards under 21 CFR, Chapter I, Subchapter J. The proposal would add a new § 1010.4 (21 CFR 1010.4) to Part 1010 to set forth provisions for granting variances to electronic products. Since this proposal would also be applicable to variances from performance standards for diagnostic x-ray systems and their major components, the proposal would revoke § 1020.30(i) (21 CFR 1020.30(i)).

Interested persons were given the opportunity to participate in the rule making procedure through submission of comments within 60 days after date of publication of the proposed rule in the FEDERAL REGISTER. Two letters commenting on the proposed rule were received.

1. One letter suggested that the final regulation provide that State radiation regulatory authorities be supplied with a copy of the variance application when a proposed variance or amendment thereto pertains to electronic products to be located in only one or two States. This letter further suggested that comments made by State agencies should be addressed in relevant notices published in the FEDERAL REGISTER, and any issues identified in the comments should be resolved before proceeding with processing of the variance or amendment thereto.

In the preamble to the proposed rule it was affirmed that, when appropriate, State radiation regulatory authorities would be notified of applications for variances as well as actions taken. In addition to routinely receiving from the Bureau of Radiological Health all notices published in the FEDERAL REGISTER, specific State radiation regulatory authorities would be consulted concerning the variance application when those agencies either have special information with regard to the variance or would be substantially affected by the variance. It is concluded, therefore, that the proposal to amend the regulation to provide that State radiation regulatory authorities always be supplied with a copy of the variance application be rejected, since such requirement in the regulations would not always provide the most appropriate means of consulting the State authorities, nor would it be permissible if the application contained proprietary information.

The suggestion to address in the notice of the approved variance, comments submitted by State agencies, is accepted and paragraph (c)(2), as set forth herein, indicates that the notice will contain "such other information that may be relevant to the application or variance."

2. The second letter stated that publication in the FEDERAL REGISTER of a notice of an approved variance, as required by proposed § 1010.4(c)(2), and the public availability of information submitted to the Hearing Clerk, Food and Drug Administration, would not adequately protect the commercial confidentiality of long-range development of new products in that publication of a notice of approval of a variance could adversely affect a manufacturer's patent rights. It was suggested that proposed § 1010.4(c) be written so that the variance application, submitted data, and the ruling by the Director, Bureau of Radiological Health, shall be considered confidential and not subject to public disclosure until notification to the Director by the applicant that FEDERAL REGISTER publication of the variance approval is timely. Such public notification would occur prior to introduction into commerce of the device for which the variance was sought. The subsequent procedure for public comment and objection would then be the same as in the proposed § 1010.4(c)(3).

Pursuant to section 1905 of title 18 of the United States Code, referred to in section 360A(e) of the Public Health Service Act (82 Stat. 1183; (42 U.S.C. 263j)), information submitted in the variance application which is marked confidential and contains adequate justification for its confidentiality, would be prohibited from being published. However, a manufacturer would be free to consult with the technical staff of the Food and Drug Administration on proprietary matters with respect to the product under development, and the extent to which such product might fulfill the criteria for a variance under § 1010.4. It is considered unlikely that a manufacturer could adequately support a variance application in the early conceptual stages of the product's development, i.e., prior to the time when he would be able to file an acceptable patent application.

The Commissioner concludes that, pursuant to § 1010.4(c), action must be initiated promptly to publish the variance approval notice in the FEDERAL REGISTER after the applicant is informed of such approval. Therefore, if a manufacturer concludes that publication of the approval notice would disclose information considered commercially confidential with respect to his product, it would be necessary for him to withhold his variance application or request delay of the decision with respect to such application until such time as a notice of approval could be published as provided herein.

Pursuant to the provisions of § 6.1(b) (21 CFR 6.1(b)), the possible environmental consequences of this regulation have been considered. It has been concluded that the provisions, as set forth herein, would not significantly affect the quality of the human environment. The environmental consequences of applications for variances submitted pursuant to § 1010.4 will be evaluated on an individual basis and the conclusions reported in the notice of approved variance. When it has been determined on the basis of assessment of an environmental impact analysis report that the approval of a variance under consideration constitutes an agency action requiring an environmental impact statement, action shall be taken as prescribed in §§ 6.2 and 6.3.

Therefore, pursuant to provisions of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f, 263j)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Parts 1010 and 1020 of Subchapter J be amended as follows:

1. By adding a new § 1010.4 to read as follows:

**§ 1010.4 Variances.**

(a) *Criteria for variances.* Upon application by a manufacturer (including assembler), the Director, Bureau of Radiological Health, Food and Drug Administration, may grant a variance from one or more provisions of any standard under Subchapter J of this chapter for an electronic product subject to such standard, when he determines that the variance is so limited in its applicability as not to justify an amendment to the standard, or is of such need as not to allow sufficient time for the processing of an amendment to the standard, and that the granting of such variance is in keeping with the purposes of the Radiation Control for Health and Safety Act of 1968. In addition, the issuance of the variance will be based upon a determination that the product:

(1) Utilizes alternate means for providing radiation safety or protection equal to or greater than that provided by products meeting all requirements of the applicable standard, or

(2) Utilizes suitable means for providing radiation safety or protection and is required to perform a necessary function or is intended for a special purpose which cannot be performed or accomplished with equipment meeting all requirements of the applicable standard, or for which one or more requirements of the applicable standard would not be appropriate.

(b) *Applications for variances.* Applications for variances or for amendments or extensions thereof shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

(1) The application for variance shall include the following information:

(i) A description of the product and its intended use.

(ii) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(iii) A description of the manner in which it is proposed to deviate from the requirements of the applicable standard.

(iv) A description of the advantages to be derived from such deviation.

(v) An explanation of how alternate or suitable means of radiation protection will be provided.

(vi) The period of time it is desired that the variance be in effect, and, if appropriate, the number of units the applicant wishes to manufacture.

(vii) In the case of prototype or experimental equipment, the proposed location of each unit.

(viii) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(2) The application for amendment or extension of a variance shall include the following information:

(i) The variance number and expiration date.

(ii) The amendment or extension requested and basis for the amendment or extension.

(iii) A description of the effect of the amendment or extension on protection from radiation produced by the product.

(iv) An explanation of how alternate or suitable means of protection will be provided.

(c) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve or deny, in whole or in part, a requested variance or any amendment or extension thereof and he shall inform the applicant in writing of his action on a requested variance or amendment or extension.

(2) A notice of an approved variance or any amendment or extension will be published in the FEDERAL REGISTER. Such notice will name the applicable performance standard for which the variance is requested and will state the manner in which the variance differs from the standard, the effective date and the termination date of the variance, a summary of the requirements and conditions attached to the variance, such other information that may be relevant to the application or variance, and, if appropriate, the number of units or other similar limitations for which the variance is approved. Each variance shall be assigned an identifying number.

(3) An approved variance or amendment or extension thereof shall become effective 30 days after publication of a notice in the FEDERAL REGISTER or upon the effective date of the standard from which the variance is requested, whichever is specified in such notice, but in no case less than 30 days after such publication, unless objections and supporting documentation are received by the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852. Objections and supporting documentation requesting that the variance or amendment or extension be modified or not be granted must be received within 30 days following publication of approval in the FEDERAL REGISTER. Upon receipt of objections and supporting documentation, the effective date of the action is automatically stayed until the Director rules on them. The applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review pursuant to section 358(d) of the act.

(4) The Director, Bureau of Radiological Health, shall amend or withdraw a variance whenever he determines that such action is necessary to protect the public health or otherwise is justified by the provisions of 21 CFR Subchapter J. Such action shall become effective in accordance with the procedure in paragraph (c)(3) of this section, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(5) All applications for variances and for amendments and extensions thereof and all correspondence relating to such applications shall be available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(e) of the act.

(d) *Certification of equipment covered by variance.* The manufacturer of any product for which a variance is granted shall modify the tag, label, or other certification required by § 1010.2 to state:

(1) That the product is in conformity with the applicable standard, except with respect to those characteristics covered by the variance;

(2) That the product is in conformity with the provisions of the variance; and

(3) The assigned number and effective date of the variance.

**§ 1020.30 [Revoked]**

2. By revoking paragraph (i) of § 1020.30.

*Effective date.* This order shall become effective April 29, 1974.

(Sec. 358, 82 Stat. 1177–1179; (42 U.S.C. 263f, 263j))

Dated: April 15, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74–8915 Filed 4–17–74;8:45 am]

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## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER B—PAYMENT PROCEDURES

## PART 190—INCENTIVE (½ PERCENT BONUS) PAYMENTS FOR CONTROLLING OUTDOOR ADVERTISING ON THE INTERSTATE SYSTEM

### Policies and Procedures

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 190 as set forth below. Part 190 codifies policies and procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 30–8 pertaining to incentive (½ Percent Bonus) payments for controlling outdoor advertising on the Interstate System.

These amendments to Title 23, Code of Federal Regulations are prepared under the authority of 23 U.S.C. 131(j) and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Sec.
190.1 Purpose.
190.2 Agreement to control advertising.
190.3 Bonus project claims.
190.4 Processing of claims.

AUTHORITY: 23 U.S.C. § 131(j); 49 CFR 1.48(b).

**§ 190.1 Purpose.**

The purpose of this part is to prescribe project procedures for the incentive payment authorized by 23 U.S.C. 131(j).

**§ 190.2 Agreement to Control Advertising.**

To qualify for the bonus payment, a State must, not later than June 30, 1965, have entered into an agreement with the Secretary to control outdoor advertising and must have fulfilled its obligations under such agreement.

**§ 190.3 Bonus Project Claims.**

(a) Following execution of the advertising control agreement and compliance with all requirements of the agreement and of this Part, the State may claim payment of the ½ percent bonus by submission of vouchers (available at the division office) to the Federal Highway Administration (FHWA) division office.

(b) Costs upon which the bonus payment is to be computed must be for projects or portions thereof which meet the requirements of the national standards and the advertising control agreement and for which (1) the section of highway on which the project is located has been opened to traffic, and (2) final payment has been made. A bonus project may cover an individual Interstate project, or a part thereof, or a combination of Interstate projects, on a section of an Interstate route.

(c) No claim shall be submitted on any bonus project until all required advertising controls have been effected on said project and any nonconforming advertising signs in controlled areas have been removed therefrom. The signature of the division engineer on each voucher will be accepted as a certification that this has been verified.

(d) Each bonus project voucher submitted by the State shall be supported by accompanying or previously submitted strip maps of adequate scale and in sufficient detail to identify the limits of the areas within which advertising controls have been established. These maps may be suitably annotated copies of the right-of-way strip maps which supported either the original right-of-way acquisition or the separate acquisition of the advertising rights. Where advertising rights have been acquired under the power of eminent domain, or advertising control has been achieved under the police power, the physical limits of such advertising rights or controls should be delineated. Other suitable maps or plans may be used at the discretion of the division engineer.

(e) Each bonus project voucher submitted by the State shall be supported also by two copies of form FHWA–1175 (available at the division office) for use

of the Washington Headquarters. In addition, a copy of form FHWA-1175 shall be attached to each voucher copy required by the division office.

(f) The eligible system mileage to be shown for a bonus project is the system mileage on which advertising controls are in effect for the bonus project. The eligible system mileage reported on subsequent bonus projects on the same Interstate route section should cover only the additional system mileage not reported on previous bonus projects. Total cost and Federal fund amounts are to be shown covering final voucher amounts for Interstate supporting projects financed under provisions of the Federal-Aid Highway Act of 1956 and subsequent Acts. Eligible project cost is the total participating cost (State and Federal share of approved PE, ROW, and Construction) exclusive of any ineligible costs such as costs of acquiring advertising rights, costs associated with ineligible sections, etc., for those supporting projects involved in the section on which the bonus claim is based. The amount of the bonus payment is to be based upon the eligible total costs of the supporting projects included in each claim.

(g) Cost records used to develop eligible costs will be kept in such manner as to expedite FHWA audit.

(h) Progress vouchers covering claims for payment of ½ percent bonus funds applicable to route sections on which additional ½ percent bonus payments are to be claimed upon completion of additional improvements are to be so identified, and the final claim for each route section is to be identified as the final voucher. Identification as to progress or final voucher shall be shown on all copies of each voucher submission.

**§ 190.4 Processing of Claims.**

Audited and approved vouchers with attached form FHWA-1175 shall be forwarded to the regional office for submission to the Finance Division, Washington Headquarters, for payment. The associated strip maps shall be retained with the division office copies of the vouchers.

Effective date: April 10, 1974.

NORBERT T. TIEMANN,
*Federal Highway Administrator.*

[FR Doc.74-8893 Filed 4-17-74;8:45 am]

## Title 25—Indians

### CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

### SUBCHAPTER T—OPERATION AND MAINTENANCE

### PART 221—OPERATION AND MAINTENANCE CHARGES

### Wind River Indian Irrigation Project, Wyoming

On page 7583 of the FEDERAL REGISTER of February 27, 1974, there was published a notice of intention to amend § 221.95, charges, of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Indian Irrigation Project, Wyoming. The purpose of the amendment is to establish the assessment rate for the LeClair-Riverton Irrigation District for 1974 and thereafter until further notice.

A 30 day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions or objections. None were received during this period. The proposed amendment is hereby adopted without change as set forth below.

Section 221.95 is amended to read as follows:

**§ 221.95 Charges.**

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 (25 U.S.C. 385); 45 Stat. 210 (25 U.S.C. 387)), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1972 and subsequent years until further notice, are hereby fixed at $4.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $4.20 per acre on the Ceded Wind River Project; except in case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefitted by the Big Bend Drainage District where an additional assessment of $0.45 (45) cents per acre is hereby fixed.

MARTIN J. STEINWAND,
*Acting Superintendent.*

[FR Doc.74-8947 Filed 4-17-74;8:45 am]

## Title 31—Money and Finance: Treasury

### CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

### PART 94—COIN REGULATIONS

### Amendments Regulating Exportation, Melting and Treating of Pennies

In the judgment of the Secretary of the Treasury it is necessary in order to protect the coinage of the United States to prohibit, except pursuant to authorization granted by the Secretary of the Treasury, the exportation, melting, and treating of one-cent coin of the United States. Accordingly, the following regulations are issued. The prohibitions therein apply only to coins containing bronze and exceptions are made for one-cent coins exported in small amounts for legitimate use as coins or for numismatic purposes, and for small amounts of coins carried in the personal effects of individuals leaving the country. Because of the nature and purpose of these regulations and the obvious necessity for making them effective immediately it is found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest. The regulations are effective immediately. They read as follows:

Sec.
94.1 Prohibition.
94.2 Exceptions.
94.3 Definitions.
94.4 Penalties.

AUTHORITY: Sec. 105, Coinage Act of 1965, Pub. L. 89-81 (31 U.S.C. 395).

**§ 94.1 Prohibition.**

Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) or as provided in this part, no one-cent coin of the United States may be melted, treated, or exported from the United States or any place subject to the jurisdiction thereof. This prohibition shall not apply to any Department or agency of the United States.

**§ 94.2 Exceptions.**

The prohibition contained in § 94.1 against exporting one-cent coin of the United States shall not apply to the following:

(a) Exports of one-cent coins having an aggregate face amount value not exceeding $5 in any one shipment, to be legitimately used as coins or for numismatic purposes. This paragraph does not authorize export for the purpose of the sale or resale of coins for melting or treating by any person;

(b) One-cent coin of the United States having an aggregate face amount value not exceeding $1 carried in the personal effects of any individual departing from a place subject to the jurisdiction of the United States.

**§ 94.3 Definitions.**

(a) "Person" means an individual, partnership, association, corporation, or other organization.

(b) "Treat" means to melt, smelt, refine, or otherwise treat by heating or by a chemical or electrical process.

**§ 94.4 Penalties.**

(a) Any person who melts, treats or exports one-cent coin of the United States in violation of § 94.1 shall be subject to the penalties provided in section 105 of the Coinage Act of 1965, which provides:

(1) Whenever in the judgment of the Secretary such action is necessary to protect the coinage of the United States, he is authorized under such rules and regulations as he may prescribe to prohibit, curtail, or regulate the exportation, melting, or treating of any coin of the United States.

(2) Whoever knowingly violates any order, rule, regulation, or license issued pursuant to subsection (a) of this section shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(b) Any coins exported, melted, or treated (or any metal resulting from such melting or treating) in violation of any provision of this Part or of the provisions of any authorization, license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part shall be forfeited to the United States as provided in section 106 of the Coinage Act of 1965.

(c) Attention is also directed to 18 U.S.C. 1001 which provides:

Whoever, in any matter within the jurisdiction of any Department or

agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

*Effective date.* This regulation shall become effective April 18, 1974.

Dated: April 12, 1974.

[SEAL] GEORGE P. SHULTZ,
*Secretary of the Treasury.*

[FR Doc.74-8925 Filed 4-17-74;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

### Ravalli National Wildlife Refuge

The following special regulation is issued and is effective April 18, 1974.

**§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.**

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Ravalli National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francis Slough). Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33 and are effective through November 30, 1974.

R. C. TWIST,
*Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.*

APRIL 1, 1974.

[FR Doc.74-8898 Filed 4-17-74;8:45 am]

### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

### PART 253—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

### Use of Funds

On March 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 10437) to amend § 253.4 (a). The change to § 253.4(a) now allows a State to voluntarily release any or all funds made available to it under section 5(a) of the Commercial Fisheries Research and Development Act of 1964 as amended (16 U.S.C. 779–779f) so that such funds may be made available to any other State. Interested persons were given 20 days in which to submit comments, suggestions, or objections concerning the proposed regulations. No objections were received concerning the proposed change. Therefore, the proposed regulations are hereby adopted without change and are set forth below.

*Effective date:* These regulations are effective on April 18, 1974.

Issued at Washington, D.C., and dated April 12, 1974.

JACK W. GEHRINGER,
*Acting Director, National Marine Fisheries Service.*

**§ 253.4 Use of funds.**

(a) *Apportionment of subsection 4(a) funds.* (1) On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify the respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain available to it for obligation until the end of the succeeding fiscal year.

(2) Any State which is unable to use any or all of the funds apportioned to it may voluntarily release all or any part of such apportioned funds. Such release must be in writing and signed by the State official in charge of the agency designated under Section 253.3(a) of these regulations or some other appropriate State official. Any apportioned funds released by a State may be made available by the Secretary to any other State, to supplement the funds apportioned to such other State in the fiscal year in which the released funds were apportioned, when the Secretary determines that such State is able to make prompt and effective use of such funds to carry out the purposes of the Act: *Provided, however,* That in the fiscal year in which such released funds were apportioned, no State may have available to it funds in excess of 6 percent of the total funds apportioned in that fiscal year. The voluntary release of apportioned funds by a State shall not affect the apportionment of funds to that State or any other State in succeeding fiscal years.

[FR Doc.74-8863 Filed 4-17-74;8:45 am]

## Title 45—Public Welfare

### CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

### PART 1071—GRANTEE PROPERTY ADMINISTRATION

*Background.* In September 1967 OEO published OEO Instruction 7001–01, Property and Supply Management and OEO Instruction 7003–01, Use of Project Automobiles, Buses, and Other Vehicles. In 1969 a supplementary policy statement was issued in the form of OEO Instruction 7003–1, Acquisition and Use of Excess Government Property (45 CFR 1070.3). These combined documents contained all OEO policy covering the responsibilities of its grantees vis-a-vis property, i.e., acquisition, use, control, and disposition.

The above-mentioned documents are hereby superseded by this part. The intent of this new part is primarily to clarify administrative procedures, e.g., to assign specific responsibilities; to provide detailed instructions and information regarding the acquisition and control of property; etc. Two changes have been made in policy areas: (1) Property disposition: As in the superseded document, this part identifies types of programs and/or agencies to which property may be ceded. In addition, it now requires a plan from the terminated grantee which lays out its recommendations for the disposition thereby facilitating retention of the property for use in similar programs in the community when the planned disposition is in accord with OEO guidelines. Final decision remains with the appropriate property administrator. (2) Grantee vehicles: This subpart includes restrictions found in other OEO policy statements and in the Economic Opportunity Act. It will now also prohibit use of vehicles for regular, daily commuting between residence and place of business.

This part is applicable to grantees financially assisted under Titles II and VII of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

Effective May 20, 1974.

ALVIN J. ARNETT,
*Director.*

**Subpart A—General**



**Subpart B—Responsibilities**



**Subpart C—Property Acquisition (Except Motor Vehicles and Government-Owned or Controlled Real Property)**



**Subpart D—Property Disposal**



**Subpart E—Property Control**



**Subpart F—Property Maintenance**

AUTHORITY: The provisions of this part issued under sec. 602(n), 78 Stat. 530; 42 U.S.C. 2942.

REFERENCES: OEO Instruction 6907–3, Employee Participation in Direct Action. OEO Instruction 6907–1, Restrictions on Political Activities.

## Subpart A—General

### § 1071.1 Introduction.

This revision of Instruction 7001–01 is intended to clarify administrative procedures and to expedite grantee handling of personal and excess property.

### § 1071.2 Purpose.

It is essential for OEO-funded grant operations to efficiently manage personal property activities. Personal property represents a significant portion of OEO's assistance to grant operations. Inefficient and ineffective personal property management results in losses which reduce available resources.

This Part prescribes the policies and procedures to be followed for effective and efficient personal property management. It also furnishes guidelines for acquisition and use of space in Government-owned buildings.

### § 1071.3 Definitions.

(a) *Property Administrator.* The Government representative within each OEO Regional Office and OEO Headquarters responsible for performing property administration functions.

(b) *Program/Grants Management Office.* The OEO office that awards and administers grants.

(c) *Government property.* Property acquired by grantees from Government excess sources.

(d) *Grantee property.* Property acquired by grantees with grant funds or by donation.

(e) *Non-expendable property.* Any property having an acquisition unit value of $50 or more or useful life of more than one year.

(f) *Expendable property.* Any property not defined in paragraph (e) of this section.

(g) *Letter of authorization.* Official letter issued by property administrators authorizing grantees to acquire Federal excess property.

(h) *Excess property.* Any property under the control of any Federal agency which does not need such property as determined by the head thereof.

(i) *Surplus property.* Any excess property not required for the needs and discharge of the responsibilities of all Federal agencies as determined by the Administrator of the General Services Administration.

(j) *Equipment requirements list.* A list of all non-expendable property required by grantees in the performance of their specific OEO program(s).

(k) *Holding agency.* The agency which owns and reports, or otherwise disposes of the property.

(l) *Reportable property.* Property usually in excess of $100 or $300 per line item and in R–4 or better condition, plus being considered usable by more than one agency. It is reported to GSA by both Civilian and Military agencies for screening or circulation to all other agencies.

(m) *Non-reportable property.* The opposite of reportable property and its disposal is handled by the Property Disposal Officer of the Owning Agency.

(n) *Property inventory.* Physical count and recording of all non-expendable property in the possession of grantees and their delegate agencies.

(o) *Property records card.* A document recording quantities of line items on hand and property transactions as appropriate.

(p) *Custody receipt.* A hand receipt used to record property issued to a specific individual or organization.

(q) *Relief of liability.* Written advice from the property administrator authorizing grantees to adjust their property accounts to delete property which has been reported destroyed, stolen or lost.

## Subpart B—Responsibilities

### § 1071.20 Grantee Responsibilities (including responsibility for all delegate agency activities in all the following areas).

(a) *Reporting requirements.* (1) Submit an equipment requirements list concurrent with the grant proposal for all non-expendable property necessary for the performance of the specific program(s). Specify actual or estimated cost of each item of property and total quantity required. (NOTE: Submission of a supplemental equipment list will be required for additional property requirements determined to be necessary due to program changes or inadvertent omission from the initial equipment requirements list. At no time will the grantee acquire non-expendable property which has not been reflected on the initial or a supplemental equipment requirements list without written authorization from the property administrator.)

(2) Submit a property inventory 75 days prior to the end of each grant year. If the grantee is scheduled for refunding at the end of the grant year, the inventory should be submitted as part of the refunding proposal. (These inventories together with an equipment requirements list for new requirements will be the basis for determining funds to be allocated for new non-expendable property.)

(3) Submit an inventory to the property administrator at least 60 days prior to termination or consolidation of grants.

(b) *Property acquisition.* (1) Insure that requests for property from Government excess sources were previously reflected as a requirement on the initial equipment requirements list or supplement thereto.

(2) Insure that property acquisitions are accomplished through the most economical supply source. (In the interest of economy, grantees should at all times consider purchase of the least expensive equipment available provided it will adequately perform the function for which intended regardless of the source used.)

(3) Initiate action(s) to acquire approved property, including property to be obtained from Government excess.

(4) Manage, control, use and dispose of property as prescribed in this Instruction.

### § 1071.21 Property administrator responsibilities.

(a) *Grant proposal/refunding period.* The property administrator and other staff under his direction will:

(1) Review and evaluate equipment requirements lists submitted by grantees with grant proposals or refunding proposals and furnish comments to the program office(s).

(2) Review and evaluate property inventories and furnish comments to the program office(s).

(3) Provide each grantee a letter of authorization for the acquisition of Federal excess property immediately upon notification by the program office that the grant has been funded.

(b) *General.* The property administrator and other staff under his direction will:

(1) Initiate action as necessary to redistribute or dispose of inventories no longer required by a specific grantee.

(2) Make periodic visits to provide technical assistance and to review and evaluate the overall property management procedure.

(3) Conduct periodic seminars for CAA Directors and their property management personnel at various geographic locations for the purpose of providing general information relative to property management.

### § 1071.22 Program/Grants Management Office responsibilities.

(a) *Grant proposal/refunding period.* Program/Grants Management Offices will:

(1) Insure that all grants proposals are accompanied by an equipment requirements list and that refunding proposals are accompanied by both equipment requirements lists and property inventories.

(2) Insure that equipment requirements lists and property inventories are furnished to property administrators, together with a copy of grant or refunding proposals. And further, insure that equipment requirements lists and inventories are not approved without property administrator concurrence, including both initial and supplemental submittals.

(b) *General.* Program/Grants Management Offices will:

(1) Insure that property administrators are advised in advance when a grant is to be terminated. Such advice should be furnished at least 60 days prior to termination date. Where partial termination (specific program) occurs, property administrators should be advised so that property requirements may be reevaluated and appropriate disposition action taken on the property involved.

(2) Insure that timely action is taken by grantees to correct deficiencies in property management which are made known as a result of field visits by property administrators.

**Subpart C—Property Acquisition (Except Motor Vehicles and Government-Owned or Controlled Real Property)**

**§ 1071.30 Excess government property.**

(a) *Authorization.* (1) All OEO-funded grantees will be issued a "Letter of Authorization." (See § 1071.21(a)(3).)

(2) Grantees will acquire for themselves, their delegate agencies and component programs only that property required in the conduct of OEO officially-funded programs. Where excess Government property is acquired for use in anti-poverty programs, the title remains with the U.S. Government, the property is officially assigned to the Office of Economic Opportunity and made available to grantees for use. Property administrators are authorized to withdraw such property at any time it is determined to be excess to the official needs of a grantee.

(3) Property administrators will approve only those requests for excess Government property (SF–122, Transfer Order Excess Personal Property) which represent requirements for OEO-funded programs. Requests for property required in conjunction with other Federal or State agency programs (i.e., Department of Labor, Department of Health, Education and Welfare, etc.) will be returned without action.

(b) *Location and availability.* (1) Information relating to the location and availability of excess Government property may, subsequent to submission and approval of the equipment requirements list, be obtained by:

(i) Preparation and submission of "want lists" to GSA Regional Offices, Attn: Property Management and Disposal Service. "Want lists" may be submitted in letter form, on GSA Form 1539, or by telephonic contact.

(ii) On-site visits (screening) at holding agencies can be arranged through the Area Utilization Officer (AUO) serving the geographical area in which the holding agency is located.

(2) Inspection of excess Government property should be made prior to selection when it is feasible and economical to do so. In the screening process, care should be taken to insure that property is suitable with respect to condition and ultimate program use.

(c) *Costs to grantee.* Costs for handling, packing and shipment and all repair costs for excess Government property will be borne by the grantee. A record will be kept of the cost of handling, transportation, or other costs involving acquisition or disposal of this type property.

(d) *Preparing a request for excess government property.* (1) The SF–122 should be used by grantees for requesting approval for excess Government property. Small quantities of the SF–122, to fill immediate needs, may be obtained from the GSA Property Management Disposal Service (PMDS).

(2) The SF–122 should be prepared in an original and five (5) copies. The original and all copies should be submitted to the appropriate OEO Property Administrator.

(i) Separate SF–122's should be prepared for property appearing on each separate holding agency report or GSA control number. Reportable and non-reportable property will not be comingled on the same SF–122.

(ii) Property listed on the SF–122 should be fully described to facilitate easy identification, if the need should arise at a later date. SF–122 received without full descriptions including make, model and manufacturer's serial number for office machines, photographic equipment, etc. will be returned for correction and resubmission.

(3) A statement of justification is required and will be submitted on, or attached to, the SF–122 if:

(i) The use of the property requested is not readily apparent in terms of ongoing programs.

(ii) Quantities ordered may appear to be abnormally high.

(iii) The condition of the property requested is such that its economical use might be questioned by the property administrator.

(e) *Processing requests for excess government property.* (1) The property administrator will review the SF–122 and if he approves the request, will sign the request and will forward the original and three (3) copies to the GSA regional office serving the holding agency on which the requested property is located.

(i) In the case of non-reportable property, the property administrator will forward the approved SF–122 direct to the AUO since redistribution of such property is not controlled by the GSA regional offices.

(2) Upon receipt, the GSA representative, either in the GSA regional office or the AUO, will approve the SF–122 by signing and will make appropriate distribution.

(3) The holding agency either will forward an approved copy to the grantee or provide notification by telephone that the requested property is available for pickup. The grantee, upon receipt of notification that the property is available, is requested to remove it within the prescribed time.

(4) Movement of excess Government property from the holding agency to the site at which it is to be used is the responsibility of the grantee. Except in cases where property is later determined to be unavailable, grantees will take possession of all the property charged to their account on the basis of the signed SF–122. Grantee will notify the property administrator by letter if property for which they are charged is not available.

(5) In some instances, the grantee may decide to have property, for which the transfer approval has been received, shipped via commercial carrier. If this is the case and so indicated by the grantee on the SF–122, it must be annotated "ship commercial collect." Shipment of excess government property to grantee by Government Bills of Lading is not authorized.

**§ 1071.31 Purchase and lease of property.**

(a) *Authorization.* (1) Although OEO policy requires that a grantee use excess Government property as its primary source of supply, there may be instances which, due to the non-availability of needed property, necessitate its purchase or lease. There will be no commitment by the grantee to suppliers to either lease or purchase until the property administrator has officially responded to a written request. In his response, the property administrator will instruct the grantee to either lease, purchase, or lease with an option to purchase with monthly leasing costs to apply to purchase price. (NOTE: If the cost of leasing an item of property over a three-year period exceeds its purchase price, the property will, in most cases, be purchased.)

(2) Title to property purchased with grant funds rests with the grantee.

(b) *Competitive procurement.* (1) Upon receipt of approval from the property administrator, the grantee may purchase property from commercial vendors subject to availability of grant funds and limitations of this part.

(2) Supplies valued at $100 to $500 may be procured on the basis of telephone quotations. Quotations from no less than three (3) sources will be solicited and recorded. Orders for supplies may be placed on the basis of the lowest acceptable price quotations.

(3) Purchases of supplies valued at less than $100 may be made at the discretion of the Executive Director without competitive quotations.

(4) Formal requests for price quotations will be prepared by the grantee for purchases of supplies/property with a value of $500 or more and will require a minimum of three (3) formal (written) quotations from vendors.

(i) Identical formal requests describing in detail the items to be purchased, stating the required date of delivery, terms of payments, etc., must be presented to vendors believed to be capable of furnishing the supplies/property. In all cases, it is mandatory that those solicited submit their quotations on the basis of identical requests for price quotations.

(ii) Requests for quotations and the quotations for each procurement action will be filed permanently and kept available for review.

(c) *Sole source procurement.* It is recognized that, in some instances, grantees may require certain items of supplies/property which, due to their

technical nature or relative lack of capable vendors, must be purchased from a "sole source." Purchase authority requests exceeding $500 from "sole source" must be so indicated when requesting approval by the property administrator and include:

(1) Approximate cost of supplies or property for which purchase authority is requested.

(2) Name of recommended vendor.

(3) Complete description of supplies/property to be purchased.

(4) Specific justification supporting why purchase must be from "sole source."

### Subpart D—Property Disposal

#### § 1071.40 Reporting non-essential property.

Property no longer required for program operations will be reported to the property administrator for disposition instructions.

(a) Under no circumstances will property be disposed of in any manner or transferred between grantees without reporting such property to the property administrator by submitting SF–120 and receiving his instructions regarding disposition.

(1) A complete description of the items determined to be excess will be included on SF–120, i.e., the make, model, and manufacturer's serial number, as well as the name and telephone number of the person having physical custody of the property.

(2) The property administrator and his address will be included since these offices are technically the reporting agency for property to be reported back to the GSA.

#### § 1071.41 Reporting property upon termination or completion of grant.

Upon completion or termination of a grant, the following action will be taken:

(a) Sixty (60) days prior to program completion or termination, the grantee will forward a complete and accurate property inventory to the property administrator.

(b) In addition to the inventory report the grantee will submit a plan for the proposed disposition of the property. The plan, to be reviewed by the appropriate property administrator, may include any or all of the following actions. The grantee, of course, may also propose appropriate alternate actions.

(1) Retain for use in any other program or activity conducted by the grantee which serves the poor in the same community.

(2) Transfer to another public or private non-profit agency for use in a program or activity serving the poor in the same community. Preference should be given to programs assisted by OEO. At the time of transfer, an agreement should be secured from the transferee to advise OEO or a successor agency if at any time during the useful life of the property the transferee ceases to use the property for the benefit of the poor in the community.

(3) Reimburse OEO for the greater of (i) the current fair market value, or (ii) the excess of the cost of the property over a fair rental value for the period of actual use by the grantee.

(a) No action will be taken by the grantee prior to receipt of approval from OEO. In the absence of such approval the grantee may be liable to OEO for the cost of replacement of the property.

#### § 1071.42 Cannibalization.

Cannibalization is a process by which components such as carburetors, fuel pumps, wheels, etc., are removed from one piece of equipment and used to repair a similar item to save time and funds. Grantees desiring to cannibalize equipment in their custody must have the approval of the property administrator prior to actual cannibalization.

### Subpart E—Property Control

#### § 1071.50 Applicability.

(a) This subpart covers the basic records to be maintained for financial physical controls and the maintenance of property.

(b) The property policies established herein are binding on all grantees and delegate agencies as an adjunct to their approved grants. Where variances exist with definitions or descriptions of personal property in grant documents, the instructions contained in grant documents will govern.

#### § 1071.51 Property identification.

(a) It is essential that each piece of non-expendable property be properly marked to show grantee identification. This should consist of at least the OEO grant number, serial or control number (where applicable). (The manufacturer's serial number of typewriters, adding machines, calculating machines, etc., is acceptable as a control number and need not be marked on the equipment again.)

(b) Grant property should be separately identified from other property on the premises, which may have been purchased or secured by the grantee under other programs (DOL, HEW, etc.). Similarly, all documentation and files must be maintained separately by grant.

(c) Grant identification numbers should be assigned at the time the receiving report is prepared.

#### § 1071.52 Recordkeeping.

(a) *Property record cards.* (1) A separate property record card will be maintained for each line item of property (i.e., chairs, tables, desks, etc.). A property record card will be used for all expendable property and another card will be used for all non-expendable property, unless an automated data processing system is employed.

(2) The property records clerk will record cost and quantity data on the property record card as indicated on the receiving report.

(b) *Procurement records*—(1) *Commercial purchase order records.* Procurement records will consist basically of an approved in-house requisition, Commercial Purchase Order (w/bid data), receiving documentation, and evidence of payment. Purchase orders should be numbered and filed consecutively with supporting documentation. A purchase order log should be established to record Purchase Order Number, Date of Order, Vendor and Item, Due Date, Actual Delivery Date, and remarks at the time the order is initiated.

(c) *Excess government property records.* Excess Government Property Records should be similar to the purchase file except no evidence of payment is required as no reimbursement is involved. This file will also contain the GSA-approved copy of SF–122. The only exception is for "Exchange/Sale" property which must be reimbursed at fair market value as determined by the holding agency. (Standard Forms 122 are controlled through a control register and are serially numbered by calendar year.)

(d) *In-kind contribution records.* Receipt of this type property should be supported by documentation indicating the conditions, if any, governing the property furnished including the responsibility for repair and maintenance. Each document should be annotated with the fair market value for each item, the receipt date and the signature of the person authorized to accept the property under the terms of the grant. No recording of the property record card should be made until receipt of the property is evidenced by a properly signed and completed receiving report. These receipts and supporting documents should be filed in a single file by receipt date for each program year.

(e) *Utilization records.* All property acquired by OEO grantees, regardless of source, should be used exclusively within approved programs and should not be rented to or utilized by activities outside OEO-funded programs. To assure maximum utilization and control, all property, from time of initial receipt and on subsequent transfer to other OEO programs or delegate agencies, will be issued on a custody receipt. The grantee should maintain a jacket filed by delegate agency or major function, such as service centers. These custody receipt files will be utilized in the reconciliation of inventories and the resulting certified inventories will be utilized to update the jacket files with a single document. Individuals so charged with custodial responsibility should be required to clear through the grantee property office prior to transfer or termination.

#### § 1071.53 Reports of theft, loss or damage.

The grantee will report all cases of theft, loss, damage, and destruction of property to the property administrator as soon as the facts become known. The report will contain as a minimum item identification to include serial numbers where applicable, recorded value, facts relating to the loss, and copy of the law enforcement agency report. A narrative summary of action previously taken and that being taken to preclude recurrence, together with the grantee's request for relief of liability, will also be submitted

where warranted. Loss or damage due to fire will be substantiated by submission of a copy of report prepared by the Fire Department. The property administrator will issue a letter of advice to the grantee to either:

(a) Relieve the grantee of responsibility and liability for the lost, damaged, or destroyed property, or

(b) Hold the grantee liable in which case a determination will be made as to the amount of reimbursement to be made to the U.S. Government.

**§ 1071.54 Inventory reports.**

(a) Physical inventory, and the reconciliation of inventory results with the property record cards, will be performed at least annually. To facilitate the inventory reconciliation, a listing will be made from the property record cards detailing all property by category.

(b) Inventory forms will be completed by the person taking the physical inventory. Generally, this person should not be the individual who has responsibility for the property record cards or the individual responsible for the custody of property. Information should be developed as to the condition of the property and, where warranted, the limited utilization value of property with respect to continued use for the current or succeeding grants.

(c) The property listing, prepared in duplicate, should be forwarded to the property administrator sixty (60) days prior to grant completion, termination, consolidation; seventy-five (75) days prior to end of the grant year for grants of two or more years; or concurrently with the grantees proposal for renewal of the grant.

(d) A Grantee's Inventory Certification should accompany each summary inventory submitted by the grantee.

(e) Inventories should be posted to the property record cards immediately upon completion. In lieu of a document reference number, the entry will be identified as "INV." Inventory gains will be researched to verify correct item identification and to determine whether previous receipts may not have been posted to the property record card. Losses will be similarly researched to verify that previous postings are correct and complete. Losses not resolved will be handled as in paragraph c of this section, and the report of loss and request for relief of liability will be submitted with the inventory.

(f) Entries on the inventory shall be identified as to source of acquisition, e.g., purchased with grant funds, government excess or in-kind contribution.

## Subpart F—Property Maintenance

**§ 1071.60 Scope.**

The grantee will maintain and administer, in accordance with sound commercial practice and the terms of the grant or special conditions governing the acquisition of any property, a program for property maintenance, repair, protection, and preservation including that of idle equipment declared excess which is being held pending receipt of transfer or disposition instructions. This program will cover specifically office machines, reproduction equipment, woodworking and metal working machinery, heating and refrigeration equipment and furniture.

**§ 1071.61 Activities.**

The grantee's maintenance program should consist of:

(a) Establishing and complying with schedules for preventive maintenance and maintenance inspections based on known factors such as production quantities and hours of utilization or on a calendar basis.

(b) Adequately performing preventative or corrective maintenance.

(c) Maintaining accurate and complete records of the inspections and preventative or corrective maintenance performed and the related cost. Forms and record format should be developed by each grantee to meet local needs. Cost factors developed from these records will enable the grantee, for example, to determine where reproduction costs are excessive compared to commercial reproduction, when consideration should be given to replacing equipment, etc.

## Subpart G—Acquisition and Use of Motor Vehicles

**§ 1071.70 Authorization.**

(a) All vehicle requests from grantees must be fully justified in writing and approved prior to screening for availability. (This will preclude unnecessary travel and administrative action by grantees in the event request is disapproved.)

(b) The justification should contain the following data and be submitted in duplicate to the property administrator:

(1) Type and quantity

(2) Proposed source w/cost data

(3) Estimated monthly mileage for each vehicle

(4) Availability of parking facilities day and night

(5) Proposed use for each vehicle

(c) The grantee's proposal will then be evaluated by the property administrator who will approve, reject or modify the grantee's proposal. The response will be maintained on file by the grantee.

**§ 1071.71 Sources.**

Upon receipt of vehicle approval, as outlined above, vehicles may be obtained from the following sources in the priorities indicated: (1) Excess Government Vehicles; (2) Commercial Procurement; and (3) Commercial Lease/Lease Purchase. (See Subpart C for procedures.)

**§ 1071.72 Requirements.**

(a) *Insurance, license tags and titles.* (1) All vehicles acquired for use by the grantee and/or his delegate agency, regardless of source (Government excess or Commercial Procurement) must be adequately insured against liability. Insurance will be applied for and paid by the grantee. Minimum amounts of insurance are $100,000 and $300,000 for bodily injury and $50,000 property damage or minimum amounts required by state law, whichever is higher. Insurance requirements for leased or lease/purchase vehicles are normally estabished by lessor. However, if these requirements are less than those stipulated herein, additional coverage will have to be obtained to meet OEO requirements.

(2) Proof of Insurance (copy of policy or temporary letter of binder) will be submitted with the SF–122 to the property administrator covering any or all motor vehicles at the time of acquisition.

(3) All excess vehicles must carry OEO issued license tags. (Grantees can acquire tags for excess vehicles by submitting Government Vehicle License Information in duplicate to the property administrator. The form is available through the property administrator).

(b) *Title to motor vehicles.* (1) Title to all vehicles acquired from Federal Government excess sources remains with the Federal Government.

(2) Title to grant-purchased vehicles rests with the grantee.

(c) *Drivers license.* A valid State drivers license for the type of vehicle being operated is required.

(d) *Maintenance.* The maintenance program established by each grantee will be commensurable with the number of vehicles and the services required. The basic objective of the program should be to provide, at the lowest possible cost, maximum availability of safe and serviceable equipment and to insure the maximum economic service life of the equipment, thus minimizing replacement cost.

(1) *Grantee and/or government-owned vehicles.* The General Services Administration booklet, "Guide for Preventative Maintenance of Motor Vehicles" (FPMR 101–38), may be used as a guide to establish individual programs.

(2) *Leased/lease purchase vehicles.* In most cases, the lessor will determine and prescribe the required maintenance.

**§ 1071.73 Use restrictions.**

Grantee vehicles will not be used for any of the following purposes:

(a) To further personal or pleasure purposes under any circumstances.

(b) To enable persons to participate in any form of direct action which is designed with the intent to involve physical violence, destruction of property or physical injury to persons. (See OEO Instruction 6907–3.)

(c) To take voters to and from the polls to vote in any election.

(d) To transport persons to and from registration centers to register to vote.

(e) To conduct any of the lobbying activities prohibited by OEO Instruction 6907–1.

(f) To commute on a regular, daily basis between residence and place of business.

(g) To conduct or assist any other activity forbidden by OEO guidelines, grant conditions or provisions, which are in violation of Federal, state, or local law or an outstanding injunction of any Federal, state or local court.

**§ 1071.74 Reports.**

(a) *Daily log.* Factual records will be maintained for all vehicles, making sure that they are released only to authorized drivers, and so that it is known at all times where each vehicle is, when it was checked out, when it was returned, and

who was driving it. This will be accomplished by maintaining a daily log including the following:

(1) Date
(2) Vehicle Number
(3) Name of Driver
(4) Time of Departure
(5) Starting Mileage
(6) Destination
(7) Purpose
(8) Number of Passengers
(9) Expected Return
(10) Mileage on Return
(11) Actual Time of Return
(12) Vehicle Expenses
(13) Condition of Vehicle

(b) *Accident reports.* Copies of all accident reports to the insurance company with all related pertinent data will be retained on file.

§ 1071.75 Disposition of vehicles.

(a) *Excess government vehicles.* Excess Government vehicles that are no longer required or uneconomical to repair will be reported to the property administrator on an SF–120 in accordance with § 1071.40(a) of Subpart D.

(b) *Purchase vehicles.* Vehicles purchased with OEO funds may be traded in to dealers when purchases of replacement vehicles have been authorized or reported to the property administrator on an SF–120 in accordance with § 1071.40(a) of Subpart D.

(c) *Wrecked vehicles.* Excess Government vehicles damaged beyond economical repair and purchased vehicles that have no trade-in value will be reported to the property administrator on an SF–120 in accordance with § 1071.40(a) of Subpart D.

**Subpart H—Property Acquisition (Government-Owned or Controlled Real Property)**

§ 1071.90 Acquisition.

(a) Space in Government-owned or Government-controlled real property may be made available for use by grantees. As is the case with the other types of Government property discussed, GSA will be the primary point of contact for information as to the availability of space and assistance in completing the appropriate forms. Government space referred to here falls into three general categories:

(1) *Federal non-reimbursable.* This space is in Federal buildings under the control of the General Services Administration (Public Building Service). By application to the appropriate GSA regional office, the grantee can be informed as to availability and details. The grantee will obtain the Standard Forms 81 from the Building Manager or through GSA. The SF–81 will be prepared by the grantee in three (3) copies and forwarded to the property administrator. Upon approval, Standard Form 65 will be furnished by GSA to the property administrator and the grantee.

(2) *Federally-leased space.* This is space which is under lease to the Government (GSA) which may be made available at cost as determined by the GSA. As with Item (a) above, the GSA Public Building Service Representative can provide details and necessary information regarding specifics.

(3) *Excess real property.* This is real property which has been declared excess to the GSA. It generally consists of large areas of land and/or structures. Application for use of such space will be made to the property administrator. These requests require OEO Headquarters approval.

§ 1071.91 Costs.

Billings for any cost incurred in connection with space use should be to the grantee and not to OEO.

[FR Doc.74-8372 Filed 4-17-74;8:45 am]

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## CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

### Restrictions Applicable to Sterilization Procedures in Federally Assisted Family Planning Projects

For a preamble statement issued jointly by the Public Health Service and the Social and Rehabilitation Service concerning restrictions applicable to sterilization procedures in Federally assisted family planning projects, see 42 CFR Part 50, appearing in this issue at page 13872.

Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 205.35 as set forth below. Section 205.35 is applicable to programs administered under Titles XIX, IV–A, and VI of the Social Security Act and is effective on April 18, 1974.

§ 205.35 Special requirements applicable to sterilization procedures.

(a) *State plan requirements.* A State plan under title IV–A, VI, or XIX of the Social Security Act must provide, with respect to sterilization procedures, that all requirements of this paragraph (a) will be met.

(1) *Restrictions on sterilization.* (i) In addition to any other requirement of this paragraph, no nonemergency sterilization may be performed unless: (A) Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and (B) such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized.

(ii) No nonemergency sterilization may be performed unless legally effective informed consent is obtained from the individual on whom the sterilization is to be performed.

(iii) No nontherapeutic sterilization may be performed sooner than 72 hours following the giving of informed consent.

(2) As used in this paragraph:

(i) *Informed consent* means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

(A) A fair explanation of the procedures to be followed;

(B) A description of the attendant discomforts and risks;

(C) A description of the benefits to be expected;

(D) Counseling concerning appropriate alternative methods; and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;

(E) An offer to answer any inquiries concerning the procedures;

(F) An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled. The documentation referred to in this paragraph shall be provided by one of the following methods:

(*1*) Provision of a written consent document detailing all of the basic elements of informed consent (paragraph (a)(2)(i) (A) through (F) of this section).

(2) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient.

(3) Each consent document shall display the following legend printed prominently at the top:

NOTICE: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

(ii) Nontherapeutic sterilization means any procedure or operation the primary purpose of which is to render an individual permanently incapable of reproducing and which is not either:

(A) A necessary part of the treatment of an existing illness or injury; or

(B) Medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this definition mental incapacity is not considered an illness or injury.

(iii) Secretary means the Secretary of Health, Education, and Welfare.

(3) *Reports.* In addition to such other reports specifically required by the Secretary, the State agency shall report to the Secretary at least annually, the number and nature of the sterilizations subject to the procedures set forth in this section, and such other relevant information regarding such procedures as the Secretary may request.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.754, Public Assistance—Social Services)

Dated: April 16, 1974.

CASPAR W. WEINBERGER,
*Secretary.*

[FR Doc.74-9077 Filed 4-17-74;10:23 am]

## Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-300]

### PART 531—STATEMENTS OF POLICY

### Amendment Relating to Interest Rates on Advances by Federal Home Loan Banks to Member Institutions

APRIL 15, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR 531.9) in order to provide additional flexibility in times of rapidly changing market interest rates for approving or determining the rate or rates of interest, including the rate or rates of interest on past-due principal and interest, which may be charged on all types of advances by Federal Home Loan Banks to their member institutions. Accordingly, the Federal Home Loan Bank Board hereby amends said § 531.9 by revising paragraphs (a) and (c) thereof to read as set forth below, effective April 15, 1974.

The amendment to paragraph (a) of said § 531.9 deletes the provision specifying a maximum interest rate on such advances and substitutes therefor a provision stating that such advances may be written and collected at such rate of interest as the Board may approve or determine by resolution or otherwise.

Both prior to and after the present amendment, paragraph (c) of said § 531.9 states in substance that the note or other obligation evidencing an advance shall include a provision specifying the interest rate on amounts of any past-due principal and interest on such advance. Prior to this present amendment, said paragraph (c) provided that such interest rate shall be the aggregate of the interest rate on such advance plus 1 percent per annum. This present amendment to said paragraph (c) permits flexibility in such provision regarding past-due amounts by authorizing such provision to specify an interest rate of not less than the rate permitted under the prior provision but not more than the aggregate of the interest rate on such advance plus 5 percent per annum.

Since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest that the amendments become effective without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date thereof would likewise be contrary to the public interest; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

§ 531.9 **Interest rates on advances.**

Except as may otherwise be provided from time to time by the Federal Home Loan Bank Board, the following provisions shall apply to advances by the Federal Home Loan Banks to their members:

(a) Notes or other obligations evidencing such advances shall, except as provided in paragraphs (b) and (d) of this section, be written at such rate of interest as the Board may approve or determine by resolution or otherwise, calculated on the unpaid principal balance from time to time outstanding, and interest shall not, except as provided in paragraphs (c) and (d) of this section, be collected by such banks on such advances at a rate exceeding such approved or determined rate, calculated as aforesaid;

* * * * *

(c) Notes or other obligations evidencing such advances shall include a provision for an increase of not les than 1 percent and not more than 5 percent per annum in the then current interest rate on past-due principal and interest;

* * * * *

(Secs. 10, 17, 47 Stat. 731, 736, as amended; (12 U.S.C. 1430, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-9048 Filed 4-17-74;8:45 am]

## Title 9—Animals and Animal Products

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

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

### PART 73—SCABIES IN CATTLE

### Area Quarantined

This amendment quarantines a portion of Weld County in Colorado because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

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

In § 73.1a, a new paragraph (e) relating to the State of Colorado is added to read:

§ 73.1a **Notice of quarantine.**

* * * * *

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

That portion of Weld County comprised of the south ½ of sec. 1, T. 2N., R. 68 W.

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

*Effective date.* The foregoing amendment shall become effective April 12, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 12th day of April 1974.

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

[FR Doc.74-8888 Filed 4-17-74;8:45 am]

# Proposed Rules

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

## DEPARTMENT OF DEFENSE

### Corps of Engineers

### [ 33 CFR Part 204 ]

### DANGER ZONE REGULATIONS

### Atlantic Ocean, Puerto Rico

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; (33 U.S.C. 1)) and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; (33 U.S.C. 3)), the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use and navigation of danger zones in the Atlantic Ocean near Puerto Rico. It is proposed to amend the present regulations in 33 CFR 204.230, to revoke the present regulations in 33 CFR 204.232, and to promulgate new regulations in 33 CFR 204.234.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building; Washington, D.C. 20314, attention: DAEN–CWO–N on or before May 20, 1974.

**§ 204.230 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island, bombing and gunnery target area.**

(a) *The Danger Zone.* From Punta Resaca on the north coast of Culebra at latitude 18°20′12″, longitude 65°17′29″ to the charted position of buoy "4RA" at latitude 18°25′07″, longitude 65°12′07″; to the charted position of buoy "2RA" at latitude 18°26′31″, longitude 65°16′45″; to latitude 18°23′00″, longitude 65°24′30″; to the charted position of run buoy "2" at latitude 18°20′19″, longitude 65°24′51″ to the charted position of buoy "24" at latitude 18°18′47″ longitude 65°24′35″, to latitude 18°15′30″, longitude 65°21′30″, to a point on the southeast coast of Cayo de Luis Pena at latitude 18°17′51″, longitude 65°19′41″ to Punta Tamarindo on the west coast of Culebra at latitude 18°19′12″, longitude 65°19′22″.

(b) *The Regulations.* (1) The danger zone is subject to use as a target area for bombing and gunnery practice. It will be open to navigation at all times except when firing is being conducted. At such times no surface vessels, except those patrolling the area, shall enter or remain within the Danger Area. Prior to conducting each firing or dropping of ordnance the appropriate Danger Area will be patrolled to insure that no watercraft are within the Danger Area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

* * * * *

**§ 204.232 Waters of Vieques Passage in the vicinity of Point Cascajo, Puerto Rico: Antiaircraft artillery and waterborne target range, United States Army Forces Antilles and Military District of Puerto Rico. [Revoked]**

**§ 204.234 Caribbean Sea and Vieques Sound in vicinity of Eastern Vieques, bombing and gunnery target area.**

(a) *The Danger Area.* From Punta Conejo on the south coast of Vieques at latitude 18°06′30″, longitude 65°22′33″; to latitude 18°03′00″, longitude 65°21′-00″; to latitude 18°03′00″, longitude 65°15′30″; to latitude 18°11′30″, longitude 65°14′30″; to latitude 18°12′00″, longitude 65°20′00″; to Cabellos Colorados on the north coast of Vieques at latitude 18°09′49″, longitude 65°23′27″.

(b) *Regulations.* (1) It will be open to navigation at all times except when firing is being conducted. At such times no surface vessels, except those patrolling the area, shall enter or remain within the Danger Area. Prior to conducting each firing or dropping of ordnance the appropriate Danger Area will be patrolled to insure that no watercraft are within the Danger Area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(2) The regulations will be enforced by the Commander, Caribbean Sea Frontier, San Juan, P.R., and such agencies as he may designate.

By authority of the Secretary of the Army.

R. B. BELNAP,
*Special Advisor to TAG.*

[FR Doc.74–8924 Filed 4–17–74;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 911 ]

### LIMES GROWN IN FLORIDA

### Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of limes grown in Florida by continuing on and after May 1, 1974, the same grade requirements as are currently in effect through April 30, 1974, and would increase the minimum size requirement to 2 inches in diameter for Persian "seedless" limes. The amendment was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 23, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. Shipments of limes are currently being made subject to grade and size limitations which became effective May 14, 1973 (38 FR 12324; 13385). The grade requirements specified herein are the same as those in effect during the period May 14, 1973, through April 30, 1974, and the minimum size for Persian "seedless" limes would be increased to 2 inches in diameter. Persian "seedless" limes currently must be at least 1⅞ inches in diameter. During the early part of the current season crop conditions are such that Persian "seedless" limes smaller than 2 inches in diameter are dry, low in juice content and have poor keeping quality. The amendment is necessary to prevent the handling, on and after May 1, 1974, of limes that are of a lower grade or smaller size so as to provide consumers with acceptable quality fruit, consistent with the overall quality of the crop, and to promote orderly marketing in the interest of producers and consumers, consistent with the objective of the act.

Such proposal reads as follows:

The provisions of § 911.336 (Lime Regulation 34; 38 FR 12324; 13385) are hereby amended to read as follows:

**§ 911.336 Lime Regulation 34.**

*Order.* (a) During the period May 1, 1974, through April 30, 1975, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) limes, except as to color: *Provided,* That true limes which fail to meet the requirements of such grade may be handled within the pro-

duction area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply: *Provided further,* That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 2 inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016).

Dated: April 15, 1974.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.74–9027 Filed 4–17–74;8:45 am]

## [ 7 CFR Part 944 ]

## LIME IMPORTS

### Proposed Grade and Size Requirements

Consideration is being given to the proposal hereinafter set forth which would limit the importation of limes into the United States pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). The proposed amendment of the import regulations is designed to prescribe on and after May 1, 1974, the same grade and size requirements for imported limes as are being made applicable, pursuant to Order No. 911 (7 CFR Part 911), to limes grown in Florida. The grade and size requirements for domestic limes are proposed to become effective May 1, 1974. The amendment would continue the same grade requirements as are currently in effect and would increase the minimum size requirement to 2 inches in diameter for Persian "seedless" limes. No minimum size requirement for true "seeded" limes would continue. The amendment of the import regulations would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 23, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

The provisions of paragraph (a)(3) of § 944.204 (Lime Regulation 5; 36 FR 10774; 22008; 38 FR 12603) are hereby amended to read as follows:

**§ 944.204 Lime Regulation 5.**

(a) * * *

(3) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 2 inches in diameter; and

* * * * *

Dated: April 15, 1974.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.74–9028 Filed 4–17–74;8:45 am]

## [ 7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049 ]

[Docket Nos. AO–14–A53, etc.]

## MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

### Extension of Time for Filing Briefs

| 7 CFR part | Marketing area | Docket No. |
|---|---|---|
| 1001 | Boston Regional | AO 14–A53. |
| 1002 | New York-New Jersey | AO 71–A68. |
| 1004 | Middle Atlantic | AO 160–A51. |
| 1015 | Connecticut | AO 305–A31. |
| 1033 | Ohio Valley | AO 166–A44. |
| 1036 | Eastern Ohio-Western Pennsylvania. | AO 179–A39. |
| 1040 | Southern Michigan | AO 225–A28. |
| 1049 | Indiana | AO 319–A22. |

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held February 20–28, 1974, at Washington, D.C., with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas pursuant to notice issued on February 14, 1974 (39 FR 5642) is hereby extended to April 30, 1974, for the limited purpose of the appropriate longer-term basis of pricing reserve milk under the eight orders beginning August 1, 1974.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: April 12, 1974.

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

[FR Doc.74–8969 Filed 4–17–74;8:45 am]

## [ 7 CFR Part 1137 ]

## MILK IN THE EASTERN COLORADO MARKETING AREA

### Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the period April through June 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, on or before April 23, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

**§ 1137.10 [Amended]**

1. In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and

2. In the second sentence of paragraph (a) of § 1137.10, the provision "distributing".

STATEMENT OF CONSIDERATION

The proposed suspension would remove the provision that three deliveries of producer milk be received at a distributing pool plant during the month to qualify producer milk for diversion to

a nonpool plant. Also, the proposed action would suspend the provision that a cooperative association may divert milk only from a distributing pool plant.

The suspension was requested by a cooperative association supplying the market. The basis for the request is that current marketing conditions require the association to handle an increasing quantity of reserve supply milk during the coming months of heavy production. Without the proposed suspension, the association claims it would be forced to make uneconomic and fuel-consuming shipments of producer milk, that was associated with the market during the recent period of tight supply conditions, to qualify it for pooling during the coming period of relatively heavy milk production.

Signed at Washington, D.C., on: April 12, 1974.

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

[FR Doc.74-8970 Filed 4-17-74;8:45 am]

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## Agricultural Stabilization and Conservation Service

## [ 7 CFR Part 724 ]

## TOBACCO

### Termination of Marketing Quotas on Cigar-Binder

Pursuant to and in accordance with section 371(a) of the Agricultural Adjustment Act of 1938, as amended (refered to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1974–75 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1974–75 marketing year equal to the normal supply.

Marketing quotas were proclaimed for cigar-binder (types 51 and 52) tobacco for the 1972–73, 1973–74, and 1974–75 marketing years (36 FR 24060). Farmers approved marketing quotas for such 3 marketing years (37 FR 3422), and marketing quotas for the 1972–73 and the 1973–74 marketing years were later terminated (37 FR 5599 and 38 FR 9153).

Under present legislation the termination of marketing quotas for any marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support will be available on the 1974 crop of cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated since producers did not disapprove marketing quotas. Further, as authorized by section 101 of such Act, price support will be made available on all cigar-binder (types 51 and 52) tobacco produced in 1974 if marketing quotas are terminated.

Data show that total disappearance (domestic use plus exports) of cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 2.6 million pounds during the 1971–72 and 1972–73 marketing years. Disappearance is expected to continue near this level during the 1973–74 marketing year. This has necessitated drastic adjustments in production. Producers used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreage has been reduced from 17,643 acres in the 1955–56 marketing year to about 5,160 acres in 1974.

Total disappearance (domestic use plus exports) exceeded production each year from 1955 through 1969. Production slightly exceeded disappearance in 1970, 1971, and 1972, and is expected to be slightly less in 1973. The excessive supplies have been used up, resulting in less than normal supplies at the end of the 1972–73 marketing year. In 1968, 36.5 percent of the allotted acreage was harvested. In 1969, acreage allotments were increased 50 percent and the harvested acreage as a percent of the allotted acreage declined to 26.4 percent. With quotas terminated, the harvested acreage during 1970–73 averaged 1,587 acres annually. As of March 1, 1974, farmers indicated that they intended to plant about 1,380 acres in 1974. If this acreage is planted and if per acre yields in 1974 are equal to the average of the past three years, production in 1974 will be about 2.4 million pounds. A 2.4 million pound crop and an estimated carryover of 7.4 million pounds would provide a total supply for the 1974–75 marketing year of 9.8 million pounds. The normal supply is 13.9 million pounds.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Accordingly, consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 6741, South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on: April 12, 1974.

GLENN A. WEIR,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.74-8885 Filed 4-17-74;8:45 am]

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## Commodity Credit Corporation

## [ 7 CFR Part 1464 ]

## TOBACCO LOAN PROGRAM

### Eligibility for Advances, and Fees Withheld From Advances To Apply to Associations' Overhead Expenses

Notice is hereby given that Commodity Credit Corporation is considering amendments to the tobacco loan program. The regulations published July 18, 1970 (35 FR 10000) as amended, would be further amended to: (1) In the case of Flue-cured tobacco, remove compliance with acreage allotments as a condition of producers' eligibility for advances; and (2) provide for increasing the fees which may be withheld from producers advances for overhead cost of their associations from 25 cents per hundred pounds to $1 per hundred pounds to cover a greater portion of the overhead costs incurred by the association for the benefit of the producers.

Consideration will be given to data, views and recommendations, pertaining to the proposals set out in this notice, which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than May 3, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)).

To accomplish these proposals, it is proposed to amend the regulations as follows:

1. In § 1464.4 paragraph (a) is revised to read as follows:

**§ 1464.4 Deductions from advances.**

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operations. For this purpose the associations in the auction marketing areas may charge the producer a fee of $1 per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit to the associations.

* * * * *

2. In § 1464.7 paragraph (a) is revised to read as follows:

**§ 1464.7 Eligible producer.**

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas and acreage allotments for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, "No Price Support," or which, if for other than Flue-Cured or Burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words "No Price Support" and which, if for other than Flue-Cured or Burley tobacco, are designated "Within Quota" marketing cards, where (1) pesticides containing DDT and TDE have not been used on the tobacco in the field or after being harvested, (2) tobacco is not produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, even though the allotment for the farm is not exceeded, and (3) the farm is in compliance with the provisions of Part 718 of this title with respect to acreage allotments, disposition of any excess acreage and certifications, except that (i) in the case of flue-cured tobacco, which is under acreage-poundage quotas, the acreage may exceed the allotment, and (ii) for other kinds of tobacco, the acreage may exceed the allotment by not more than any applicable tolerance prescribed in Part 718.

* * * * *

Signed at Washington, D.C., on April 12, 1974.

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

[FR Doc.74-8884 Filed 4-17-74;8:45 am]

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## Food and Nutrition Service

## [ 7 CFR Part 245 ]

## DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS

### Eligibility for Free Milk

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the regulations governing Determining Eligibility for Free and Reduced Price Meals to implement Pub. L. 93-150, approved November 7, 1973, and for other purposes.

Public Law 93-150 provides that children who attend schools participating in the Special Milk Program (7 CFR 215) and who meet free lunch eligibility requirements under guidelines set forth by the Secretary of Agriculture are eligible for free milk. To implement this provision with a minimum of additional administrative requirements, the existing regulations governing the determination of eligibility of children attending schools for free meals are modified to cover eligibility for free milk as well.

In addition, the provisions dealing with hearing procedures are amended to provide for a pre-hearing conference and to make the same hearing procedures that are now available to families appealing the decision of a school food authority available to local school officials who challenge the eligibility of a child for free or reduced price meals or for free milk.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by May 18, 1974, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 18, 1974. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The following changes are proposed:

1. The name of this Part 245 is amended by inserting the words "and free milk in schools" after the word "meals."

2. The table of sections is revised by inserting the words "and free milk" after the word "meals" in § 245.3, § 245.6, and § 245.8.

3. The citation of authority is revised to read as follows:

**§ 245.1 [Amended]**

4. § 245.1 is amended by inserting the words "or free milk" after the word "meal" wherever it appears in the first paragraph and after the word "meals" in the first sentence of the first paragraph; inserting the following sentence after the first sentence of the first paragraph: "Section 3 of the Child Nutrition Act of 1966, as amended, requires that schools participating in the Special Milk Program (7 CFR Part 215) shall serve free milk to children who are eligible for free meals,"; inserting the words "and for free milk" after the words "reduced price meals" in the second paragraph; and inserting the words "or milk" after the words "for meals" in the second paragraph.

5. In § 245.2, paragraphs (c) and (e) are revised and two new paragraphs (d-1) and (f-1) are added as follows:

**§ 245.2 Definitions.**

* * * * *

(c) "FNSRO where applicable" means the appropriate Food and Nutrition Service Regional Office when that agency administers the National School Lunch Program, School Breakfast Program or Special Milk Program with respect to nonprofit private schools.

* * * * *

(d-1) "Free milk" means milk served under § 215.8(a) of the regulations governing the Special Milk Program and for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

(e) "Income poverty guidelines" means the family-size annual income levels prescribed annually by the Secretary for use by States as the minimum family-size income levels for establishing eligibility for free meals and for free milk.

* * * * *

(f-1) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, and Hawaii where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk.

* * * * *

6. § 245.3 is revised to read as follows:

**§ 245.3 Eligibility standards for free and reduced price meals and free milk.**

(a) Each State agency, or FNSRO where applicable, shall at the beginning of each fiscal year announce family-size income standards to be used by school food authorities of schools under the jurisdiction of such State agency, or FNSRO where applicable, in making eligibility determinations for free or reduced price meals and for free milk. Such family-size income standards for free and reduced price meals and for free milk shall fall within the limits set forth in § 245.1 of this part. Within these limits, the State agency, or FNSRO where applicable, may prescribe a single set of family-size income standards or it may prescribe a range of income standards.

(b) Each school food authority shall establish standards of eligibility for free meals and for free milk, and if the school food authority elects to serve reduced price meals, it shall establish standards of eligibility for reduced price meals. The school food authority's standards of eligibility shall be in conformity with the family-size income standards prescribed by the State agency, or FNSRO where applicable, under paragraph (a) of this section. Family income used by a school food authority in determining eligibility of an applicant shall be income as defined in the Secretary's income poverty guidelines, including the adjustments for special hardship conditions. Each school food authority shall serve free meals and free milk to all children eligible therefor under its standards of eligibility.

(c) The school food authority's standards of eligibility shall be a part of the policy statement required under § 245.10, and shall be publicly announced in accordance with the provisions of § 245.5. Such standards shall: (1) Specify uniform family-size income criteria to be used for free meals and free milk, and for reduced price meals if appropriate in all schools participating in the National School Lunch Program, School Breakfast Program or Special Milk Program and in commodity only schools under the jurisdiction of the school food authority; and (2) provide that all children from a family meeting the eligibility standards and attending any school under the jurisdiction of the school food authority which participates under the National School Lunch Program, School Breakfast Program, Special Milk Program or is a commodity only school shall be provided the same benefits. In schools which participate in the National School Lunch Program and the School Breakfast Program, children who are eligible for a reduced price lunch shall also be eligible for a reduced price breakfast.

7. In § 245.5, the introductory paragraph and paragraph (a) are revised to read as follows:

**§ 245.5 Public announcement of the eligibility standards.**

After the State agency, or FNSRO where applicable, notifies the school food authority that its standards for determining the eligibility of children for free and reduced price meals and for free milk have been approved, the school food authority shall publicly announce such standards: *Provided, however,* That no such public announcement shall be required for boarding schools, or a school which includes food service fees in its tuition, where all attending children are provided the same meals or milk. Such announcements shall be made at the beginning of each school year or, if notice of approval is given thereafter, within 10 days after the notice is received. The public announcement of such standards, as a minimum, shall include the following:

(a) A letter or notice distributed, on or about the beginning of each school year, to the parents of children in attendance at the school. Such letter or notice shall contain complete information on (1) the eligibility standards, including all criteria, with respect to free meals and free milk, and, if applicable, with respect to reduced price meals; (2) the four special hardship conditions for adjusting income; (3) how a family may make application for a free or reduced price meal or for free milk for its children; (4) how a family may appeal the decision of the school food authority with respect to such application under the hearing procedure set forth in § 245.7; (5) a statement to the effect that, in certain cases, foster children are eligible for free or reduced price meals or for free milk regardless of the income of the family with whom they reside, and that families wishing to apply for such meals or milk for foster children should contract the local school officials; and (6) the statement: "In the operation of child feeding programs, no child will be discriminated against because of his race, sex, color, or national origin." The letter or notice shall be accompanied by a copy of the application form required under § 245.6.

* * * * *

8. In § 245.6, paragraph (a) is amended by inserting the words "or for free milk" after the words "reduced price meals" wherever they appear and by inserting the words "or milk" after the words "child's meals"; paragraph (c) is amended by inserting the words "or for free milk" after the word "meals" wherever it appears; and paragraph (b) is revised to read as follows:

**§ 245.6 Applications for free and reduced price meals, and free milk.**

* * * * *

(b) When the information furnished by a family in its application indicates that the family meets the eligibility standards for either a free or reduced price meal or for free milk, the children from that family shall be provided the free or reduced price meal or free milk to which the information indicates they are entitled. If a child transfers from one school to another school under the jurisdiction of the same school food authority, his eligibility for a free or reduced price meal or for free milk, if previously established, shall be transferred to, and honored by, the receiving school, if it participates in the National School Lunch Program, School Breakfast Program, Special Milk Program or is a commodity only school. If a family wishes to appeal from a decision made by the school food authority with respect to an application a family has made for free or reduced price meals or for free milk for its children, or if the local school authority wishes to challenge the continued eligibility of any child for a free or reduced price meal or for free milk, it shall be done under the hearing procedure established under § 245.7. However, prior to initiating the hearing procedure, the parent or local school official may request a conference to provide an opportunity for the parent and school official to discuss the situation, present information, and obtain an explanation of the data submitted in the application or the decisions rendered. The request for a conference shall not in any way prejudice or diminish the right to a fair hearing. The children of a family determined eligible for free or reduced price meals or for free milk based on the information on the application shall continue to receive the free or reduced price meal or free milk during the pendncy of any challenge.

* * * * *

9. § 245.7 is revised to read as follows:

**§ 245.7 Hearing procedure for families and school food authorities.**

Each school food authority of a school participating in the National School Lunch Program, School Breakfast Program or the Special Milk Program or of a commodity only school shall establish a hearing procedure under which: (1) A family can appeal from a decision made by the school food authority with respect to an application the family has made for free or reduced price meals or for free milk, and (2) a local school official can challenge the continued eligibility of any child for a free or reduced price meal or for free milk. The hearing procedure shall provide for both the family and the school official:

(a) A simple, publicly announced method to make an oral or written request for a hearing;

(b) An opportunity to be assisted or represented by an attorney or other person;

(c) An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;

(d) That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;

(e) An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;

(f) An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(g) That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any conference held thereafter;

(h) That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

(i) That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;

(j) That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and

(k) That the written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

10. § 245.8 is revised to read as follows:

**§ 245.8 Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk.**

School food authorities of schools participating in the National School Lunch Program, School Breakfast Program or Special Milk Program or of commodity only schools shall take all actions that are necessary to insure compliance with

the following nondiscrimination practices for childen eligible to receive free and reduced price meals or free milk:

(a) The names of the children may not be published, posted or announced in any manner;

(b) There may be no overt identification of any of the children by the use of special tokens or tickets or by any other means;

(c) The children may not be required to work for their meals or milk;

(d) The children may not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time;

(e) When more than one lunch or breakfast or type of milk is offered which meets the requirements prescribed in § 210.10, § 210.15a, § 220.8, or § 215.2(1) of this chapter, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

11. § 245.10 is amended by deleting the words "and School Breakfast Program" in the first sentence of paragraph (a) and inserting in lieu thereof the words ", School Breakfast Program or Special Milk Program"; inserting the words "or for free milk" after the word "meals" in subparagraphs (a)(1), (a)(2), and (a)(3); inserting the words "or milk" after the word "meals" in paragraph (d); and revising paragraph (a)(4) to read as follows:

**§ 245.10 Action by school food authorities.**

(a) * * *

(4) A description of the method or methods to be used to collect payments from those children paying the full price of the meal or milk, or a reduced price, which will prevent the overt identification of the children receiving a free meal or milk or a reduced price meal, and

* * * * *

Effective date: State educational agencies, or FNSRO's where applicable, and school food authorities under their jurisdiction shall implement the provisions of this amendment as soon as practicable, but in no event later than July 1, 1974.

(Secs. 3, 4, and 10, 80 Stat. 885, 886, 889, as amended (42 U.S.C. 1772, 1773, 1779); secs. 2–12, 60 Stat. 230, as amended (42 U.S.C. 1751–60))

Dated: April 12, 1974.

JOHN DAMGARD,
*Deputy Assistant Secretary.*

[FR Doc.74-8882 Filed 4-17-74;8:45 am]

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## Rural Electrification Administration

### [ 7 CFR Part 1701 ]

### UNDERGROUND ELECTRIC DISTRIBUTION PLANT

### Revised REA Specifications and Drawings

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40–8, to provide for a revision of REA Form 806, Specifications and Drawings for Underground Electric Distribution.

Persons interested in the revised specifications and drawings may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of REA Form 806 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of the proposed supplement to REA Bulletin 40–8 explaining and summarizing the proposed revisions in this specification is as follows:

SUPPLEMENT TO REA BULLETIN 40–8

SUBJECT: Revised Construction Specifications and Drawings for Underground Electric Distribution

I. *Purpose.* This supplement announces the revision of REA Form 806 (4–74), Specifications and Drawings for Underground Electric Distribution. This new specification replaces the January 1972 edition.

II. *Principal Changes in the Revised Form 806.* A. This revision provides for the use of newly available equipment and incorporates changes for improved safety and efficiency in the consrtuction and operation of underground rural systems.

B. The important changes in the written specifications include:

1. A requirement that the starting and terminating points of the plowing operation shall be excavated prior to cable installation to reduce possible cable damage and to insure sufficient burial depth.

2. The removal of the requirement for enclosing of all concentric neutral cable in a plastic pipe where cable is in a hole with a piece of equipment with a metal tank.

3. The addition of plastic equipment pads to the group of pads that may be used.

4. The removal of any reference to the final factory ac test voltage.

C. New drawings incorporated in the revised edition show:

1. A three-phase loop feed pad-mounted transformer assembly.

2. A single-phase trench lay direct-buried transformer assembly.

3. A power pedestal cable secondary assembly for underground cable.

4. A plastic equipment pad with and without anchor mounting.

5. A three-phase cable terminal pole incorporating a mounting bracket.

6. A 600A nonload break termination.

7. A single-phase pad-mounted sectionalizer or recloser assembly.

8. A three-phase (three single-phase units) pad-mounted recloser unit.

9. A single-phase pad-mounted fuse and sectionalizing enclosure.

10. A three-phase pad-mounted fuse and/or sectionalizing enclosure.

11. A guide for the installation of meters used in conjunction with current transformers and an underground source.

12. A primary splice unit incorporating a prefabricated splice shield.

D. Modifications or revisions on existing drawings include:

1. The addition of the letter "U" to all item symbols that are listed in the underground section of the "List of Materials Acceptable for Use on Systems of REA Electrification Borrowers." Thus, the symbol "hp" will now become "Uhp."

2. Additional construction unit numbers on existing and new transformer drawings to that transformer with or without secondary breakers may be specified.

3. The addition of steel ground rods to all new and existing pad-mounted equipment units for cathodic protection purposes.

4. The repositioning of equipment on single and three-phase cable terminal in order to reduce lightning arrester lead length.

5. Additional construction unit numbers on drawings with lightning arresters so that either single or parallel distribution arresters may be specified.

III. *Availability of Revised REA Form 806 from Public Documents Distribution Center.* Copies of this revised form may be obtained from the Public Documents Distribution Center, Pueblo Industrial Park, Pueblo, Colorado 81008, at a nominal price, using REA Form 33 under the revised procedure for obtaining contract forms.

Dated: April 12, 1974.

DAVID H. ASKEGAARD,
*Assistant Administrator—Electric.*

[FR Doc.74-8961 Filed 4-17-74;8:45 am]

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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 151c ]

### STERILE CHLORAMPHENICOL SODIUM SUCCINATE

### Proposed Deletion of Crystallinity Requirement

The Commissioner of Food and Drugs proposes that the antibiotic drug regulations be amended in § 151c.4 (21 CFR 151c.4), as set forth below, to delete the specification for crystallinity from the monograph providing certification for sterile chloramphenicol sodium succinate.

Based upon information received from the manufacturer of the drug and Food and Drug Administration laboratory findings, the Commissioner concludes that crystallinity is not an appropriate certification requirement for sterile chloramphenicol sodium succinate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 151c be amended in § 151c.4 by deleting paragraph (a)(1)(ix), by revising paragraph (a)(3)(i), and by deleting paragraph (b)(9) and reserving it for future use, as follows:

**§ 151c.4 Sterile chloramphenicol sodium succinate.**

(a) * * *

(1) * * *

(ix) [Deleted]

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, and specific rotation.

* * * * *

(b) * * *

(9) [Deleted]

Interested persons may, on or before June 17, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 12, 1974.

MARY A. MCENIRY,
*Assistant to the Director for Regulatory Affairs, Bureau of Drugs.*

[FR Doc.74-8916 Filed 4-17-74;8:45 am]

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## Public Health Service

## [ 42 CFR Part 52a ]

## NATIONAL HEART AND LUNG INSTITUTE GRANTS FOR NATIONAL RESEARCH AND DEMONSTRATION CENTERS

### Proposed Planning, Establishing, Strengthening, and Supporting of Basic Operation

Section 415(b) of the Public Health Service Act, as added by the National Heart, Blood Vessel, Lung, and Blood Act of 1972 (Pub. L. 92-423), authorized the Director, National Heart and Lung Institute, to make grants to plan, establish, strengthen, and support the basic operation of national research and demonstration centers for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the regulations set forth in tentative form below for the purpose of implementing section 415(b).

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing, in triplicate, to the Office of the Director, National Heart and Lung Institute, National Institutes of Health, Building 31, Room 5A-52, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments received will be available for public inspection at said Office on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received on or before May 17, 1974, will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

Dated: March 12, 1974.

CHARLES C. EDWARDS,
*Assistant Secretary for Health.*

Approved: April 10, 1974.

CASPAR W. WEINBERGER,
*Secretary.*

It is therefore proposed to amend Subtitle A of Title 42 of the Code of Federal Regulations by adding the following new Part 52a:

## PART 52a—NATIONAL HEART AND LUNG INSTITUTE GRANTS FOR NATIONAL RESEARCH AND DEMONSTRATION CENTERS

Sec.



AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 415(b), 86 Stat. 683 (42 U.S.C. 287d(b)).

### § 52a.1 Applicability.

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of national research and demonstration centers for basic or clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

### § 52a.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLI," means the Director of the National Heart and Lung Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart and Lung Advisory Council established by section 417(a) of the Act (42 U.S.C. 287f).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Disease Program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

### § 52a.3 Eligibility.

To be eligible for a grant under this part, an applicant must be:

(a) A public or nonprofit private hospital or school of medicine, or other public or nonprofit private agency or institution; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

### § 52a.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLI, may from time to time require.[2] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[3] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLI, may require, each application shall set forth in detail:

(1) The personnel, facilities, and other resources currently available to the applicant with which to initiate and maintain the proposed center program;

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to advanced diagnostic, prevention, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

(3) The major disease area or areas (i.e., heart, blood vessel, lung, or blood

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[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

diseases) on which the applicant would concentrate if awarded a grant under this part;

(4) The names and qualifications of the center director and key staff members who would be responsible for conducting proposed activities of the center;

(5) The proposed center program, including proposed research and demonstration projects and information and education activities, and the relevance of each to the National Program;

(6) The opportunities that would be available for training of professional personnel, including allied health professions personnel;

(7) The availability of community resources necessary to carry out the proposed activities;

(8) The organizational structure of the applicant;

(9) The proposed support period (not to exceed five years); a detailed budget including a list of other anticipated sources of support; and a justification for the amount of grant funds (not exceeding $5,000,000 in any year) requested;

(10) Proposed methods for monitoring and evaluating individual activities and the overall program; and

(11) Proposed methods for coordination of center activities with the National Heart and Lung Institute and the National Program.

**§ 52a.5 Program requirements.**

An approvable application must provide assurances that:

(a) The proposed program will include all of the following components: basic and clinical research relating to the major disease areas on which the applicant would concentrate; plans for demonstrating the applicability of clinical research findings in such disease areas; information and education activities pertaining to such disease areas; and opportunities for training, including training of allied health professions personnel;

(b) The center will be an identifiable organizational unit of the applicant headed by a center director responsible for all aspects of the center program;

(c) The applicant will have staff, facilities, and other resources available with which to initiate the proposed program; and

(d) Any significant changes in the center's scientific or other activities will be made only with the prior approval of the Director, NHLI.

**§ 52a.6 Grant awards.**

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of section 415(b) of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the overall proposed program and its individual components;

(2) The significance of said program in relation to the goals of the National Program;

(3) The qualifications and experience of the center director and other key personnel;

(4) The extent to which the center activities would be coordinated with the National Heart and Lung Institute and the National Program;

(5) The extent to which the various components of the proposed program would be coordinated into one multidisciplinary effort within the center;

(6) The administrative and managerial capability of the applicant;

(7) The reasonableness of the proposed budget in relation to the proposed program;

(8) The merit of the methods for monitoring and evaluating the overall program and its components; and

(9) The degree to which the application adequately provides for the requirements set forth in § 52a.5.

(b) All grant awards shall be in writing and shall specify the period of support (not to exceed five years), the total recommended amount of funds for the entire period of support, the approved budget for the initial budget period, and the amount awarded (not in excess of $5,000,000 in any year) for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs (as set forth in § 52a.8) for the budget period covered by the award.

(e) An initial period of support may be extended by the Director, NHLI, for additional periods not in excess of five years each, after review of the operations of the grantee by an appropriate scientific review group established by the Director, NHLI, and consultation with the Council, except that if an additional period of support involves only the expenditure of funds previously awarded, consultation with the Council is not required.

**§ 52a.7 Payment.**

The Director, NHLI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

**§ 52a.8 Expenditure of grant funds.**

(a) *Allowable costs.* Any funds granted pursuant to this part shall be expended solely for the purposes for which funds have been granted, in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and applicable cost principles. The following are examples of allowable costs which may be charged to grants under this part:

(1) Costs attributable to personal services and purchase or rental of equipment, materials, and supplies;

(2) Rental of space;

(3) A share of the costs of central resources such as animal facilities, instrument and machine shops, and other auxiliary facilities or services, which is in proportion to the actual usage of such resources for activities covered by the grant award: *Provided*, That such costs are not excluded under paragraph (b) of this section;

(4) Patient care costs, but only to the extent such care is required for the effective conduct of activities supported by a grant under this part;

(5) Costs of alterations and renovations of facilities, subject to limitations imposed by Chapter 1-44 of the Grants Administration Manual; and

(6) Costs of books and periodicals directly required for specific center activities, but excluding costs of binding.

(b) *Non-allowable costs.* The following are examples of the kinds of expenditures which may not be charged against grants under this part:

(1) Construction, other than alterations and renovations as indicated in paragraph (a)(5) of this section;

(2) Library support, except as permitted by paragraph (a)(6) of this section;

(3) Payments to Federal employees, except pursuant to a grant under 42 U.S.C. 225a; and

(4) Travel other than that solely connected with center activities. Multiple purpose travel may not be charged even though a center activity is one of the purposes of the travel.

(c) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLI, be carried forward and remain available for obligation during the remainder of the period of support and any extensions thereof (approved in accordance with § 52a.6(e)), subject to such limitations as the Director, NHLI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the final period of support any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

**§ 52a.9 Nondiscrimination.**

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular

to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

**§ 52a.10 Human subjects; animal welfare.**

No award may be made under this part unless the applicant has complied with:

(a) Chapter 1–40 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of said Grants Administration Manual and any other applicable requirements concerning animal welfare.

**§ 52a.11 Applicability of 45 CFR Part 74.**

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpart:

*45 CFR Part 74*

A----General.
B----Cash Depositories.
C----Bonding and Insurance.
D----Retention and Custodial Requirements for Records.
F----Grant-Related Income.
G----Matching and Cost Sharing.
K----Grant Payment Requirements.
M----Grant Closeout, Suspension, and Termination.
O----Property.
Q----Cost Principles.

**§ 52a.12 Progress and fiscal records and reports.**

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLI, may find necessary to carry out the purposes of section 415(b) of the Act and the regulations.

**§ 52a.13 Grantee accountability.**

All payments made by the Director, NHLI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved center the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NHLI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

**§ 52a.14 Additional conditions.**

The Director, NHLI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc.74-8753 Filed 4-17-74;8:45 am]

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## Social Security Administration

## [ 20 CFR Part 405 ]

[Reg. 5]

## FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

### Limitation on Recovery of Incorrect Medicare Payments

Notice is hereby given pursuant to the Administrative Procedure Act as amended (5 U.S.C. 553) that the amendments to the regulations set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments revise the present regulations to implement section 281 of the Social Security Amendments of 1972 (Pub. L. 92–603) which limits the recovery of incorrect payments from beneficiaries, providers of services, physicians, and suppliers who are without fault in causing such incorrect payments. In addition, with respect to the assignment of claims for supplementary medical insurance benefits and in connection with the provider agreement for participation in the Medicare program, the providers, physicians, and suppliers are also precluded from charging for certain items or services where a determination is made more than 3 years after payment that such items or services were not medically necessary or constituted custodial care.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any comments, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, by May 20, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1842, 1862, 1866, 1870, and 1871; 49 Stat. 647, as amended; 79 Stat. 309, 325, 327, and 331, as amended; U.S.C. 1302, 1395u, 1395y, 1395cc, 1395gg, and 1395hh.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance, and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: March 15, 1974.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 12, 1974.

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

Part 405 of Chapter III of the Code of Federal Regulations is further amended as follows:

1. In § 405.251(b), subparagraph (4) is amended by revising subdivisions (ii) and (iii) and adding thereto a new subdivision (iv) to read as follows:

**§ 405.251 Procedures for payment, medical and other health services furnished by other than a participating provider.**

* * * * *

(b) *Payment to the person who furnished the services.* * * *

(4) The person or organization to whom such assignment has been made: * * *

(ii) Agrees that the reasonable charge for such services shall be the full charge for such services;

(iii) Agrees to charge the individual not more than the amount of any unpaid annual deductible (see § 405.245), if any, the blood deductible (see § 405.246), if applicable, plus 20 percent of the difference between the deductibles and the reasonable charge (as determined in subdivision (ii) of this subparagraph); and

(iv) Where payment has already been made under this paragraph and such payment has been determined to be incorrect, agrees not to charge for items and services for which such individual was not entitled to have payment made under this part if:

(A) Such payment is incorrect by reason of paragraph (k) of § 405.310:

(B) The individual was without fault in incurring the expenses for such items or services; and

(C) The determination of the carrier or the Administration, as appropriate, that the payment was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual.

2. Section 405.350 is revised to read as follows:

**§ 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.**

Any payment made under title XVIII of the Act to any provider of services or other person with respect to any item or service furnished an individual shall be regarded as a payment to the individual, and adjustment shall be made pursuant to §§ 405.352–405.356, where:

(a) More than the correct amount is paid to a provider of services or other person and the Secretary determines that: (1) Within a reasonable period of time, the excess over the correct amount cannot be recouped from the provider of services or other person, or (2) the provider of services or other person was without fault with respect to the payment of such excess over the correct amount, or

(b) A payment has been made under the provisions described in section 1814 (e) of the Act, to a provider of services for items and services furnished the individual.

(c) For purposes of paragraph (a)(2) of this section, a provider of services or other person shall, in the absence of evidence to the contrary, be deemed to be without fault if the Secretary's determination that more than the correct amount was paid was made subsequent to the third year following the year in which notice was sent to such individual that such amount had been paid.

3. Section 405.355 is revised to read as follows:

**§ 405.355 Waiver of adjustment or recovery.**

(a) The provisions of § 405.352 may not be applied and there may be no adjustment or recovery of an overpayment (§ 405.350(a)) or payment (§ 405.350 (b)) in any case where the overpayment has been made with respect to an individual who is without fault, or where such adjustment or recovery would be made by decreasing payments to which another person who is without fault is entitled as provided in section 1870(b) of the Act where such adjustment or recovery would defeat the purpose of title II or title XVIII of the Act or would be against equity and good conscience.

(b) Adjustment or recovery of an incorrect payment (or only such part of an incorrect payment as may be determined to be inconsistent with the purposes of title XVIII of the Act) against an individual who is without fault shall be deemed to be against equity and good conscience if (1) the incorrect payment was made for expenses incurred for items or services for which payment may not be made by reason of the provisions of § 405.310 (g) and (k), and (2) the determination that such payment was incorrect was made subsequent to the third year following the year in which notice of such payment was sent to such individual.

4. In § 405.607, paragraph (a) is amended by revising subparagraph (3) and adding a new subparagraph (4) to read as follows:

**§ 405.607 Essentials of agreements with providers of services.**

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual or other person (except as described in §§ 405.608–405.610): * * *

(3) For inpatient hospital services furnished an individual who exhausted his benefits under Subpart A of this part, if the provider is reimbursed by the Secretary as discussed in § 405.161; or

(4) For items and services for which the individual is not entitled to have payment made under this part by reason of paragraphs (g) or (k) of § 405.310, but only if:

(i) The individual was without fault in incurring the expenses for such items and services; and

(ii) The determination of the intermediary or the Administration as appropriate, that payment for such items and services was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual;

* * * * *

5. Paragraph (a)(1) of § 405.1675 is revised to read as follows:

**§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.**

(a)(1) When an individual is furnished covered medical or other health services (other than physicians' and ambulance services furnished outside the United States and emergency outpatient services) for which he may receive direct payment of supplementary medical insurance benefits on the basis of reasonable charges (see § 405.1672(b)), he may assign the rights to such payment to the physician or other person who furnished the services, if such physician or other person agrees to the assignment. (See § 405.1680 concerning payment of assigned benefits to an employer, facility, or health care delivery system with which the physician or other person furnishing the service has a contractual arrangement.) The claim must be completed in accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting assignment the physician or other person agrees to the following:

(i) The reasonable charge, as determined by the carrier or the Administration, as appropriate, shall be his full charge for the service and, aside from the benefit payment, he will not charge or collect from the individual or any other source an amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge; and

(ii) Where payment has already been made under this paragraph and such payment has been determined to be incorrect, he will not charge for items and services for which such individual was not entitled to have payment made under this part if:

(A) Such payment is incorrect by reason of paragraph (k) of § 405.310; and

(B) The individual was without fault incurring the expenses for such items or services; and

(C) The determination of the carrier or the Administration, as appropriate, that payment was incorrect was made subsequent to the third year following the year in which the payment notice was sent to the individual.

* * * * *

[FR Doc.74-8951 Filed 4-17-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

**[ 40 CFR Part 172 ]**

### SHIPMENTS OF PESTICIDES FOR EXPERIMENTAL USE

**Notice of Effective Date Amendment**

On March 27, 1974, the Environmental Protection Agency (EPA) published proposed regulations (39 FR 11306) governing the issuance of permits for shipment of pesticides for experimental use pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 983). The preamble to the proposed regulations erroneously indicated that experimental use permit applications received after the date of publication of the proposed regulations would be processed in accordance with the proposed new requirements. Such new requirements will not be effective until after the date of final promulgation of these regulations.

Dated: April 11, 1974.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.74-9040 Filed 4-17-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration**

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-WE-5]

### TRANSITION AREA

**Proposed Designation**

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new transition area for Oakdale, California Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Lawndale, California 90261. All communications received on or before May 20, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A new instrument approach procedure has been developed for Oakdale, California Airport. The new procedure is based on the Stockton VORTAC 106° T (089° M) radial. Stockton VORTAC is the initial approach fix and Empire INT (SCK 089° M/13 DME/Modesto 332° M) is the final approach fix. The portion of 700 foot transition area is required to provide controlled airspace protection for aircraft executing the instrument procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the following transition area is added:

OAKDALE, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Oakdale Airport (latitude 37°45'23" N., longitude 120°48'01" W.) and within 2.5 miles each side of the Stockton VORTAC 106° radial, extending from the 3-mile radius area to 16 miles E of the VORTAC.

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

Issued in Los Angeles, California, on April 9, 1974.

ROBERT O. BLANCHARD,
*Acting Director,*
*Western Region.*

[FR Doc.74-8874 Filed 4-17-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SO-40]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 20, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Jacksonville transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * long. 81°25'15" W.)." would be deleted and "* * * long. 81°25'15" W.); within a 6.5-mile radius of Herlong Airport (lat. 30°16'30" N., long. 81°48'-20" W.)." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Herlong Airport. A prescribed instrument approach procedure to this airport, utilizing NAS Cecil Field radar, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on April 9, 1974.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.74-8875 Filed 4-17-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SW-15]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at Lawton, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 20, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the Lawton, Okla., transition area is amended to read:

LAWTON, OKLA.

That airspace extending upward 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15"N., longitude 98°24'55"W.); within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 7 miles S of the VOR; within 10 miles W and 5 miles E of the Lawton VOR 177° radial extending from 7 miles S to 17 miles S of the VOR and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN and excluding that portion within the confines of the Wichita Falls, Tex., transition area.

Alteration of the transition area is proposed to provide controlled airspace for the proposed ILS RWY 35 (orginal) instrument approach procedure.

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

Issued in Fort Worth, TX., on April 10, 1974.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc.74-8876 Filed 4-17-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SW-14]

### TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Pearsall, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 20, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

PEARSALL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of McKinley Field Airport (latitude 28°49'00" N., longitude 99°07'00" W.) and within 2.5 miles either side of the Cotulla, Tex., VORTAC 001° T (352° M) radial extending from the 5-mile radius area to 18.5 miles north of the VORTAC.

The proposed transition area will provide controlled airspace to aircraft executing the proposed VORTAC-A (original) instrument approach procedure.

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

Issued in Fort Worth, TX., on April 10, 1974.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc.74-8877 Filed 4-17-74;8:45 am]

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## Federal Highway Administration

## [ 49 CFR Part 391 ]

[Docket No. MC-55; Notice 74-3]

## CERTIFICATE OF QUALIFICATION

### Drivers in Trip Lease or Interchange Service

The Director of the Bureau of Motor Carrier Safety is considering an amendment to § 391.65 of the Federal Motor Carrier Safety Regulations (49 CFR 391.65) providing that under certain conditions a motor carrier may employ a driver other than one of his regularly employed drivers without fully qualifying him under Part 391 of the regulations. Under the current rules, three conditions must be satisfied before § 391.65 larly employed driver of another motor applies. First, the driver must be a regucarrier. Second, the using carrier must obtain a copy of the driver's medical certificate. Finally, the motor carrier regularly employing the driver must supply "a certificate that the driver is fully qualified to drive a motor vehicle under the rules" in Part 391.

The last prerequisite appears to have raised some questions in the motor carrier industry. The Bureau has been asked whether a driver can be given a permanent certificate, whether any particular form of certification must be made, and, if no specific form is prescribed, what the minimal contents of the certificate must be.

Section 391.65 was promulgated primarily to allow carriers to engage in trip lease and interchange service, in which a single vehicle and its driver may operate under the authority of a carrier other than the one that owns the vehicle and regularly employs the driver. In the interests of safety, it is necessary that the carrier under whose authority the vehicle is operated be assured that the driver is currently fully qualified to drive in interstate or foreign commerce.

The need for contemporaneous assurance of, and responsibility for, a driver's status necessarily precludes the utilization of permanent certificates. A driver, once having been qualified, may become disqualified at any time (see, e.g., § 391.15 of the regulations). It would be contrary to the spirit and rationale of the qualification rules to permit a driver to operate a commercial motor vehicle at a time when no motor carrier is responsible for his qualification to do so. Therefore, if the using carrier relies on the exemption provided by § 391.65, it is necessary that the carrier furnishing the driver take responsibility for his qualifications while he is in the service of the using carrier.

A certificate furnished in accordance with § 391.65 must, at a minimum, clearly indicate that the carrier regularly employing the driver assumes that responsibility. The Bureau of Motor Carrier Safety believes that a certificate which is valid on its face for a period not exceeding 30 days would conform to the spirit of the rule. The Bureau is considering recommended language for a certificate that would comply with the requirements of § 391.65(a)(2).

In addition, the Bureau is considering eliminating the requirement that the using carrier must obtain a copy of the driver's medical certificate. Since a certificate furnished in accordance with § 391.65 must stipulate that the carrier that regularly employs the driver assumes responsibility for his qualifications while he is in the service of the using carrier, obtaining a copy of the driver's medical certificate appears unnecessary. Under the proposal, however, the date of the driver's last physical examination would have to be entered on the certificate so that the using carriers would know whether the driver will be fully qualified throughout the driver's service under the certificate.

The Bureau is also proposing a coordinate change in § 391.51 to eliminate the requirement that a carrier who uses a driver furnished by another carrier must have a copy of the driver's medical examiner's certificate on file.

In consideration of the foregoing, the Director proposes to amend §§ 391.51 and 391.65 in Subchapter B of Chapter II of title 49, CFR to read as set forth below.

Interested persons are invited to submit written data, views, or arguments relating to the proposal. All comments submitted should refer to the docket number and notice number appearing at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on June 17, 1974 will be considered before further action is taken on this proposal. Comments will be available for examination by any interested person in the public docket of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on April 11, 1974.

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

1. § 391.51(e) would be revised to read as follows:

**§ 391.51 Driver qualification files.**

* * * * *

(e) The qualification file for a driver furnished by another motor carrier and employed under the rules in § 391.65 must include a copy of the certificate specified in that section from the motor carrier that regularly employs the driver, stating that the driver is fully qualified to drive a motor vehicle under the rules in this part.

2. § 391.65 would be revised to read as follows:

**§ 391.65 Drivers furnished by other motor carriers.**

(a) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the rules in this part (other than the rules in this section) with respect to the driver if—

(1) The driver is a regularly employed driver of another motor carrier;

(2) The driver is qualified to drive a motor vehicle under the rules in this part; and

(3) The motor carrier that regularly employs the driver furnishes a certificate, valid for not more than 30 days, that the driver is fully qualified to drive a motor vehicle under the rules in this part.

(4) A motor carrier that obtains a certificate in accordance with subparagraph (a)(3) of this section shall retain a copy of that certificate in its files for 3 years.

(5) The certificate specified in subparagraph (a)(3) shall be in substantially the following form:

*Certificate of Qualification*

I certify that _____,
(Name of Driver)
who is a regularly employed driver of _____, is fully qualified to drive
(Name of Carrier)
a commercial motor vehicle under Department of Transportation regulations as of _____. This driver's last physical ex-
(Date)
amination was conducted on _____.
(Date)
This certificate is valid until _____
(Date)
(not to exceed 30 days), or until withdrawn by issuing carrier.

_____
(Signature)

_____
(Title)

[FR Doc.74-8894 Filed 4-17-74;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

### Agency for International Development

### ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

#### Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Development Assistance Policy Conference jointly sponsored by A.I.D. and the Advisory Committee on Voluntary Foreign Aid which will be held April 29-30, 1974; 8:30 a.m. April 29 to 12:30 April 30, at the Ramada Inn, Rosslyn, Virginia.

The purpose of this meeting will be to discuss new legislation requiring increased involvement of the private and voluntary sector in foreign aid and increased focus upon development assistance.

This meeting is open to the public. Any interested person may participate subject to Conference procedures and pre-Conference registration.

Dr. Jarold A. Kieffer will be the A.I.D. representative for the entire Conference. Information concerning the meeting may be obtained from: Ms. Shirley Patterson, Special Assistant, Bureau of Population and Humanitarian Assistance, Phone: AC 202-632-3887.

Dated: April 12, 1974.

JAROLD A. KIEFFER,
*Assistant Administrator for Population and Humanitarian Assistance.*

[FR Doc.74-8972 Filed 4-17-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

[COP-5-01-R:E:R]

### MERIT CLOTHING CO.

#### Notice of Application for Recordation of Trade Name

APRIL 10, 1974.

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Merit Clothing Company, used by Merit Clothing Company, a corporation organized under the laws of the State of Kentucky, located in Mayfield, Kentucky 42066.

The application states that the trade name is used in the advertising and sale of men's clothing, which is manufactured in the United States. Approximate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before May 20, 1974.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] RAYMOND E. TURNER,
*Acting Assistant Commissioner, Regulations and Rulings.*

[FR Doc.74-8923 Filed 4-17-74;8:45 am]

## DEPARTMENT OF DEFENSE

### Corps of Engineers

### ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

#### Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of the ninth meeting of the Advisory Committee for National Dredging Study to be held 1-2 May 1974. The meeting will begin at 9 a.m. in the Hilton Hotel, Portland, Oregon.

The purposes of the meeting are to have the Contractor, Arthur D. Little, Inc., present a briefing on the accomplishments of the study and discuss the proposed operations during the next several months and to permit port authorities, dredging contractors, waterway users and other interested parties to present their views with respect to how the future dredging requirements of the area may be best accomplished, including the division of work between Government and contractor dredge equipment.

Within the facilities available (about 100 persons) the meeting will be open to the public. Upon conclusion of the report of the Contractor, local interested parties may present their views. Such presentations should be in writing, preferably in ten copies each and oral presentations limited to a brief summary of the material presented. In any event, the Chairman will restrict oral discussion to the prescribed purposes with duration to be controlled by the number requesting speaking time.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C. 20314.

For the Chief of Engineers:

Dated: April 15, 1974.

JOHN V. PARISH, Jr.,
*Colonel, Corps of Engineers, Executive Director of Civil Works.*

[FR Doc.74-8952 Filed 4-17-74;8:45 am]

## DEPARTMENT OF JUSTICE

### DISCHARGE OF POLLUTANTS

#### Notice of Consent Judgment

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 27, 1974, a consent decree in United States v. W. Langston Holland, et al., was approved and signed by the United States District Court for the Middle District of Florida. The consent decree requires W. Langston Holland, Robert D. Wray, Kirk T. Pierce, Lewis H. Kent, Robert D. Wray Construction Company, George F. Young, Inc., and C. E. Pierce Construction Company to perform all work necessary to allow establishment of 78.6 acres of mangrove preserve areas on property known as Harbor Island Development on Papy's Bayou, St. Petersburg, Florida.

Although it is Departmental Policy to allow, in ordinary circumstances, public comment for 30 days prior to entry of a consent decree to enjoin discharges of pollutants into the environment, 28 CFR 50.7 recognizes that extraordinary circumstances may require the adoption of an alternative procedure where it is clear that the public interest will not be compromised by that procedure. The Assistant Attorney General of the Land and Natural Resources Division determined that effectuation as soon as possible of the United States v. Holland consent decree—even prior to opportunity for public comment thereon—was of extreme importance to assure timely and complete restoration of the mangrove preserve areas in question. Thus, in the circumstances of the present case, the Assistant Attorney General has established the following procedures for public comment.

The Department of Justice will receive, from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. W. Langston Holland, et al., D.J.

Ref. 90-5-1-1-363. Should the Assistant Attorney General determine that any of such comments warrant a change or modification in the decree, the United States will apply to the Court for modification of the decree pursuant to section 13 thereof.

The consent decree may be examined at the office of the United States Attorney, Middle District of Florida, Tampa Division, 611 Florida Avenue, Tampa, Florida; the Clerk of the District Court, Middle District of Florida, United States Courthouse, Jacksonville, Florida; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the consent decree may be obtained in person or by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $0.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
*Assistant Attorney General,*
*Land and Natural Resources Division.*

[FR Doc.74-8897 Filed 4-17-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA 696]

### CALIFORNIA

### Order Providing for Opening of Public Lands; Correction

APRIL 11, 1974.

In FR Doc. 74-7637, appearing on page 12145, paragraphs 3 and 4, of the issue of Wednesday, April 3, 1974, the following corrections as to date should be made:

Paragraph 3, second sentence, should read "All valid applications received at or prior to 10 a.m., May 5, 1974, shall be considered as simultaneously filed at that time."

Paragraph 4, last line of paragraph, should read "* * * leasing laws at 10 a.m., on May 1, 1974."

JESSE H. JOHNSON,
*Acting Chief, Branch of*
*Lands and Minerals Operations.*

[FR Doc.74-8946 Filed 4-17-74;8:45 am]

[Montana 26025]

### MONTANA

### Order Providing for the Opening of Public Lands

APRIL 10, 1974.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 35 N., R. 34 E.,
Sec. 3, Lot 3.

T. 36 N., R. 34 E.,
Sec. 17, SW¼SW¼;
Sec. 18, S½SE¼ and NW¼SE¼;
Sec. 19, E½;
Sec. 20, W½NW¼ and S½;
Sec. 21, W½SW¼;
Sec. 23, S½SW¼;
Sec. 25, E½;
Sec. 26, E½NW¼;
Sec. 27, SE¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼NE¼, W½E½, and W½;
Sec. 30, E½;
Sec. 31, Lots 1, 2, 3, and 4, E½W½, and NE¼;
Sec. 32, NW¼NE¼, S½NE¼, NW¼, NW¼SW¼, E½SW¼, and SE¼;
Sec. 33, S½N½, N½S½, SW¼SW¼, and S½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼, SW¼, and N½SE¼; and
Sec. 35, NE¼ and NE¼SE¼.

The areas described aggregate 4,493.53 acres.

2. The lands are located in Phillips County approximately 30 miles north of Saco, Montana. The lands were reconveyed to create a block of public land of sufficient acreage to afford greater public use. Topography is generally sloping or hilly with intervening deep and steep sided drainages. The soils range from tight clays to loose shale clay loams. Vegetation includes grasses and shrubs. Livestock grazing is currently authorized under a grazing permit. The lands are not suited for cultivation due to topography and soils. The lands will be managed for multiple resource use in conjunction with other adjoining national resource lands.

3. At 10 a.m. on May 21, 1974, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
*Acting Chief, Branch of*
*Lands and Minerals Operations.*

[FR Doc.74-8945 Filed 4-17-74;8:45 am]

[Montana 27963]

### MONTANA

### Proposed Withdrawal and Reservation of Lands

APRIL 10, 1974.

The Forest Service, United States Department of Agriculture, has filed application, M 27963, for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for protection and preservation of an established natural research area in the Beaverhead National Forest, Montana.

For a period until May 20, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Montana 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA, BEAVERHEAD NATIONAL FOREST, COTTONWOOD CREEK RESEARCH NATURAL AREA

T. 10 S., R. 3 W.,
Sec. 10, S½S½S½SE¼;
Sec. 11, S½SW¼SW¼SW¼;
Sec. 14, W½NW¼NW¼ and N½NW¼SW¼NW¼; and
Sec. 15, N½NE¼, N½N½S½NE¼, NE¼NW¼, and E½NW¼NW¼.

The area described aggregates 210 acres within Madison County, Montana.

KENNETH J. SIRE,
*Acting Chief, Branch of*
*Lands and Minerals Operations.*

[FR Doc.74-8944 Filed 4-17-74;8:45 am]

[Serial No. I-6318 etc.]

### IDAHO

### Notice for Proposed Classification

Lands located in Benewah, Latah, Shoshone and Clearwater Counties have been examined and appear to be suitable for State Indemnity Lieu Selection. Thus, it is proposed to classify the following described lands as suitable for disposal through State Indemnity Lieu Selection (43 CFR Part 2620). The classification would be made pursuant to section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315(f)):

BOISE MERIDIAN, IDAHO

T. 45 N., R. 1 W.,
Sec. 24, SW¼NE¼, NW¼, SE¼;
Sec. 26, SW¼NW¼, NW¼SW¼.
T. 44 N., R. 1 W.,
Sec. 30, lots 3 and 4 inclusive, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 32, SW¼NW¼, NW¼SW¼.
T. 45 N., R. 1 E.,
Sec. 20, NE¼NE¼, W½NW¼, SE¼NW¼, N½SW¼;
Sec. 22;
Sec. 23, N½SW¼, SW¼SW¼;
Sec. 25, SE¼SE¼;
Sec. 28;
Sec. 30, lots 1, 2, 3, NW¼NE¼, E½W½, NW¼SE¼.
T. 44 N., R. 1 E.,
Sec. 4, lot 4, S½SE¼;
Sec. 6, lot 1, SE¼NE¼, S½SE¼;
Sec. 10, SE¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 18, E½NE¼;
Sec. 22, SE¼NE¼.
T. 43 N., R. 1 E.,
Sec. 2, S½N½, E½SE¼;
Sec. 12, S½NE¼, NW¼;
Sec. 32, NE¼, NE¼NW¼, S½NW¼.
T. 42 N., R. 1 E.,
Sec. 15, NE¼SW¼, W½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, W½NE¼, NW¼NW¼, SE¼NW¼, NE¼SW¼;
Sec. 22, NW¼NE¼, SE¼NE¼;
Sec. 25, SW¼NW¼, E½SW¼, W½SE¼;
Sec. 26, NE¼NE¼, S½NE¼, W½SE¼;
Sec. 31, N½NE¼;
Sec. 35, SE¼NE¼, NE¼SE¼.
T. 41 N., R. 1 E.,
Sec. 4, S½NW¼;
Sec. 5, lots 1 and 2 inclusive, S½NE¼, NE¼SE¼;
Sec. 9, SW¼NE¼;
Sec. 15, NW¼NW¼.
T. 45 N., R. 2 E.,
Sec. 8, NE¼SE¼, S½SE¼;
Sec. 10, SW¼SW¼;
Sec. 13, NW¼;
Sec. 14, E½NE¼, N½SE¼;
Sec. 17, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 18, lot 1, NE¼NW¼;
Sec. 23, SE¼NE¼, S½;
Sec. 24, lots 1 through 7 inclusive, S½NW¼, SW¼, W½SE¼;
Sec. 26, NE¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 29, SW¼SE¼.
T. 44 N., R. 2 E.,
Sec. 9, NW¼NE¼;
Sec. 30, lots 1, 2, 3, E½NW¼.
T. 42 N., R. 2 E.,
Sec. 8, S½S½;
Sec. 9, W½NE¼, SE¼NE¼;
Sec. 10, S½NE¼, SW¼NW¼, S½;
Sec. 18, NE¼SE¼;
Sec. 20;
Sec. 22, NE¼NE¼, W½NW¼, S½SW¼, SE¼SE¼;
Sec. 24, W½NW¼, NW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 28, N½NW¼, SE¼NW¼;
Sec. 30, lots 1, 2, 3, 4, NW¼NE¼, E½W½;
Sec. 31, lot 3.
T. 45 N., R. 3 E.,
Sec. 18, Lot 4, SE¼SW¼, S½SE¼;
Sec. 20, SW¼, SW¼SE¼;
Sec. 30, Lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼, SW¼SE¼.

The area described contains approximately 11,375.70 acres of National Resource Lands.

The proposed decision for classification as suitable for disposal for State Indemnity Lieu Selection is based on the following reasons:

1. The lands are physically suitable and adaptable to the uses and purposes for which they are being classified.

2. Present and potential uses and users of the lands have been taken into consideration. All other factors being equal, the land classification will achieve maximum future uses.

3. The classification is consistent with federal, State and local Government programs, plans, zoning and regulations.

4. The lands are valuable for the public purpose of transfer to the State in satisfaction of a State land grant.

5. The State and Bureau of Land Management have mutually agreed that the above described lands are suitable for disposal under the State Indemnity Lieu Selection program.

On or before June 17, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views to the Coeur d'Alene District Manager, Bureau of Land Management, 1808 North Third Street, Coeur d'Alene, Idaho 83814.

Dated: April 10, 1974.

LARRY L. WOODARD,
*Acting State Director.*

[FR Doc.74-8908 Filed 4-17-74;8:45 am]

## National Park Service

[Order No. 2]

### EXECUTION OF CONTRACTS FOR SUPPLIES, EQUIPMENT OR SERVICES

#### Delegation of Authority

Delegation of authority regarding execution of contracts for supplies, equipment of services.

SECTION 1. The Administrative Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. The authorities stated herein are applicable to the Southern Arizona Group in its entire jurisdiction.

SEC. 2. The Procurement and Property Management Specialist may execute and approve contracts not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. The authorities stated herein are applicable to the Southern Arizona Group in its entire jurisdiction.

SEC. 3. Redelegation. The authority delegated in Sections 1 and 2 may not be redelegated.

SEC. 4. Revocation. This order supersedes Order No. 1 dated December 20, 1973 and published February 5, 1974 (39 FR 4957).

(National Park Service Order No. 77 (38 FR 7478), as amended; Western Region Order No. 7 (37 FR 6326) dated March 28, 1972).

Dated: February 26, 1974.

WILLIAM F. LOCKE,
*Acting General Superintendent, Southern Arizona Group.*

[FR Doc.74-8911 Filed 4-17-74;8:45 am]

[Order 3, Amdt. 2]

### SUPERINTENDENTS ET AL., PACIFIC NORTHWEST REGION

#### Delegation of Authority

Pacific Northwest Region Order No. 3, approved March 6, 1972, and published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6325); and Amendment No. 1, approved July 20, 1973, and published in the FEDERAL REGISTER of August 23, 1973 (38 FR 22666), are hereby amended to change the designation references from Director of Pacific Northwest Region to Regional Director, Pacific Northwest Region. Section 1, paragraphs (f) and (g) are hereby amended to read as follows:

(f) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

Section 2, paragraphs (a) and (b) are hereby amended to read as follows:

(a) *Associate Regional Director, Administration.* The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Pacific Northwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Contracting and Property Management Division.* The Regional Chief, Contracting and Property Management Division, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Pacific Northwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended; 38 FR 16789, published June 26, 1973; and 39 FR 4597 published February 5, 1974.)

Dated: February 15, 1974.

JOHN A. RUTTER,
*Regional Director.*

[FR Doc.74-8912; Filed 4-17-74;8:45 am]

[Order 7, Amt. 1]

### SUPERINTENDENTS ET AL., WESTERN REGION

#### Delegation of Authority

Western Region Order No. 7, approved March 3, 1972, and published in the FEDERAL REGISTER of March 28, 1972, (37 FR 6326) is hereby amended to change the designation references from Director of Western Region to Regional Director, Western Region. Section 1, paragraphs (f) and (g) are amended and paragraph (n) is added to read as follows:

(f) Authority to designate areas at which recreation fees will be charged, as

specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(n) Authority to conduct archeological investigations and salvage activities.

Section 2, paragraphs (a) and (b) are amended and paragraph (e) is added to read as follows:

(a) *Associate Regional Director, Administration.* The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Western Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Contracting and Property Management Division.* The Regional Chief, Contracting and Property Management Division, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Western Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(e) *State Director, Hawaii.*—The State Director, Hawaii is authorized to execute, approve and administer contracts for supplies, equipment, and services, including construction, not in excess of $100,000.

Section 3 is amended as follows:

SEC. 3. Redelegation—The authority delegated in this order No. 7, may not be redelegated, except that a Superintendent and the State Director, Hawaii, may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended; 38 FR 16789, published June 26, 1973; and 39 FR 4597 published February 5, 1974.)

Dated: March 5, 1974.

JAMES B. THOMPSON,
*Acting Regional Director.*

[FR Doc.74-8914 Filed 4-17-74;8:45 am]

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[Order 85]

## ASSISTANT DIRECTOR, ARCHEOLOGY AND HISTORIC PRESERVATION

### Delegation of Authority

SECTION 1. *Delegation.* The Assistant Director, Archeology and Historic Preservation, National Park Service, Washington, D.C., is hereby authorized to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, known as the National Register, with authority to make determinations as to the eligibility of districts, sites, buildings, structures, and objects for inclusion in such register.

SEC. 2. *Redelegation.* The authority delegated by this order may not be redelegated.

SEC. 3. *Revocation.* This order supersedes National Park Service Order 51 dated September 14, 1968 and published September 20, 1968 (33 FR 14241).

(Act of Aug. 21, 1935, 49 Stat. 666; sec. 101 (a) (1), Act of Oct. 15, 1966, 80 Stat. 915)

Dated: March 29, 1974.

RUSSELL E. DICKENSON,
*Acting Director,*
*National Park Service.*

[FR Doc.74-8881 Filed 4-17-74;8:45 am]

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[Order 82]

## DEPUTY DIRECTOR, ASSOCIATE DIRECTORS, ET AL.

### Delegation of Authority

SECTION 1. *Deputy Director.* The Deputy Director of the National Park Service and officers designated by him to serve in an acting capacity for him in his absence, may exercise all of the authority of the Director, with respect to any matter which may come before him.

SEC. 2. *Associate Directors.* The Associate Directors of the National Park Service, and officers designated by them to serve in acting capacities for them in their absence, may exercise all of the authority of the Director, with respect to any matter which may come before them within their program responsibility, as outlined in Part 145 of the Departmental Manual.

SEC. 3. *Deputy Associate Director and Assistant Directors.* The Deputy Associate Director and Assistant Directors of the National Park Service, and officers designated by them to serve in acting capacities for them in their absence, may exercise all of the authority of the Director, with respect to any matter which may come before them within their program responsibility, as outlined in Part 145 of the Departmental Manual.

SEC. 4. *Redelegation.* The authority delegated in this Order No. 82 may be redelegated.

SEC. 5. *Revocation.* This order supersedes National Park Service Delegation of Authority Order No. 76 dated December 11, 1972, and published December 21, 1972, 37 FR 28200.

(245 DM, 34 FR 13879-13880 of August 29, 1969.)

Dated: April 8, 1974.

RONALD H. WALKER,
*Director,*
*National Park Service.*

[FR Doc.74-8878 Filed 4-17-74;8:45 am]

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[Order No. 84]

## MANAGER, DENVER SERVICE CENTER

### Delegation of Authority

SECTION 1. *Delegation.* The Manager, Denver Service Center may exercise all the authority now or hereafter vested in the Director, National Park Service in administering and operating the Denver Service Center and in serving the regional offices and parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority for final approval of Servicewide or Regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.

(7) Authority to execute and approve concessions contracts and permits, or to perform any of the concessions management functions of the Washington Office, as described in 145 DM.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(13) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), as amended, the specific fees to be charged at the designated areas, in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation of fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.
(18) Authority to sell timber.
(19) Authority to accept an offer in settlement of a timber trespass.
(20) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.
(21) Authority to approve payment of dues for library memberships in societies or associations.
(22) Authority to approve rates for quarters and related services.
(23) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.
(24) Authority to approve master plans.
(25) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.
(26) Authority to approve land acquisition priorities.
(27) Authority to execute the land acquisition program.
(28) Authority to conduct archeological investigations and salvage activities outside the units of the National Park System.

SEC. 2. *Redelegation.* The Manager, Denver Service Center may, in writing, redelegate to his officers and employees the authority delegated in this order and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may only be redelegated to the Chief, Contract Administration, Denver Service Center. Each redelegation shall be published in the Federal Register.

SEC. 3. *Revocation.* This order revokes National Park Service Order No. 79 (38 FR 17743) published July 3, 1973 and Service Center Operations Order No. 1, 2, and 3 (37 FR 6599) published March 31, 1972.

(205 DM as amended. 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: April 8, 1974.

RUSSELL E. DICKENSON,
*Acting Director,*
*National Park Service.*

[FR Doc.74-8880 Filed 4-17-74;8:45 am]

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[Order No. 83]

## MANAGER, HARPERS FERRY CENTER

### Delegation of Authority

SECTION 1. *Delegation.* The Manager, Harpers Ferry Center may exercise all the authority now or hereafter vested in the Director, National Park Service in administering and operating the Harpers Ferry Center and in serving the regional offices and parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.
(2) Authority for final approval of Servicewide or Regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.
(3) Authority for final approval of the location of new roads.
(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.
(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.
(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.
(7) Authority to execute and approve concessions contracts and permits, or to perform any of the concessions management functions of the Washington Office, as described in 145 DM.
(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.
(9) Authority to approve the payment of actual subsistence expenses for travel.
(10) Authority to approve attendance at meetings of societies and associations.
(11) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.
(12) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.
(13) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), as amended, the specifit fees to be charged at the designated areas, in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.
(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).
(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.
(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.
(17) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.
(18) Authority to sell timber.
(19) Authority to accept an offer in settlement of a timber trespass.
(20) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegatative cover, and of permits to collect rare or endangered species.
(21) Authority to approve payment of dues for library memberships in societies or associations.
(22) Authority to approve rates for quarters and related services.
(23) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.
(24) Authority to approve master plans.
(25) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.
(26) Authority to approve land acquisition priorities.
(27) Authority to execute the land acquisition program.
(28) Authority to conduct archeological investigations and salvage activities outside the units of the National Park System.

SEC. 2. *Redelegation.* The Manager, Harpers Ferry Center may, in writing, redelegate to his officers and employees the authority delegated in this order and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may not be redelegated. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order revokes Service Center Operations Order No. 4 (37 FR 17501) published August 29, 1972.

(205 DM as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: April 8, 1974.

RUSSELL E. DICKENSON,
*Acting Director,*
*National Park Service.*

[FR Doc.74-8879 Filed 4-17-74;8:45 am]

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[Order 5, Amdt. 2]

## SUPERINTENDENTS, ET AL, SOUTHWEST REGION

### DELEGATION OF AUTHORITY

Order No. 5, approved March 22, 1972, was published in the FEDERAL REGISTER of April 19, 1972 (37 FR 7722) and Amendment No. 1, approved April 25, 1972, and published in the FEDERAL REGISTER of June 13, 1972 (37 FR 11736) are hereby amended to change the designation references from Director of Southwest Region to Regional Director, Southwest Region. Also section 1, paragraphs (f) and (g) and Section 2, paragraphs (a) and (b) are hereby amended to read as follows:

SECTION 1. Superintendents.

(f) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Con-

servation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

SEC. 2. Delegation.

(a) The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Southwest Region, except authority to contract for acquisition of land and related property and options and offers to sell related thereto.

(b) The Regional Chief, Division of Contracting and Property Management is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Southwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(National Park Service Order No. 77 (38 FR 7478), as amended)

Dated: February 13, 1974.

CARL O. WALKER,
*Acting Regional Director,*
*Southwest Region.*

[FR Doc.74-8913 Filed 4-17-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### PRICE SUPPORT PROGRAMS; 1973 AND SUBSEQUENT CROPS

#### Announcement of Interest Rate

This is a revision of the Announcement by Commodity Credit Corporation published in 35 FR 3827, as amended at 38 FR 3614, of the rate of interest applicable to price support programs on 1964 and subsequent crops or production. The revised announcement increases the rate of interest applicable to 1974 and subsequent crops. The revised announcement reads:

1. Loans made on all commodities shall bear interest as follows:

a. For 1973 crop, loans shall bear interest at the per annum rate of 5.5 percent from the date of disbursement.

b. For 1974 and subsequent crops, loans shall bear interest at the per annum rate of 7.25 percent from the date of disbursement.

2. Notwithstanding the foregoing if there has been fraudulent representation in the loan documents, in obtaining the loan, or in connection with settlement or delivery under the loan, or these has been a willful conversion of any part of the commodity under loan, the loan indebtedness and related charges shall bear interest from the date of disbursement thereof as follows: (a) At the per annum rate of 6 percent with respect to 1969 and prior crops or production; and (b) at the per annum rate of 12 percent with respect to 1970 and subsequent crops or production.

3. If there has been a fraudulent representation in connection with settlement or delivery under the purchase provisions of a price support program, or in connection with any documents thereunder, any amount paid by CCC on such purchase shall bear interest from the date of disbursement thereof as follows: (a) At the rate of 6 percent per annum with respect to 1969 and prior crops or production; and (b) at the rate of 12 percent per annum with respect to 1970 and subsequent crops or production.

Signed at Washington, D.C. on April 11, 1974.

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

[FR Doc.74-8890 Filed 4-17-74;8:45 am]

### Forest Service

### SHOSHONE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

#### Notice of Meeting

The Shoshone National Forest Livestock Advisory Board will meet at the Holiday Inn in Thermopolis, Wyoming at 1 p.m., Friday, May 24, 1974.

The purpose of the meeting is to give board members an opportunity to present recommendations from individual grazing associations relative to livestock management and to discuss Forest policy on administration of grazing permits and other current items of interest on the Forest.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Ted Russell, Cody, Wyoming 82414, or call 587-4297.

The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

T. V. RUSSELL,
*Forest Supervisor.*

APRIL 12, 1974.

[FR Doc.74-8949 Filed 4-17-74;8:45 am]

### CHOLMONDELEY MANAGEMENT PLAN

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cholmondeley Management Plan, USDA-FS-FES (Adm)R10-74-05.

This environmental statement deals with the management plan for the Cholmondeley Sound drainage, Prince of Wales Island on the Tongass National Forest. Timber, fish, minerals, wildlife, and outdoor recreation are all important resources in the area. The primary action proposed is timber harvest by clearcutting. The plan deals with protecting other resources from damage by timber harvest and associated activities to give optimum public benefits from all resources combined.

This final environmental statement was transmitted to CEQ on April 11, 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., S.W.
Washington, D.C. 20250

USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99801

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Richard M. Wilson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901.

ROBERT H. TRACY,
*Acting Regional Forester,*
*Alaska Region.*

APRIL 11, 1974.

[FR Doc.74-8892 Filed 4-17-74;8:45 am]

### WEST FORK RACE CREEK TIMBER SALE

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the West Fork of Race Creek Timber Sale, Forest Service report number USDA-FS-FES (Adm) 74-51.

The environmental statement concerns the sale of 11 million board feet of mature and overmature sawtimber in Idaho County, Idaho. The proposed harvest area is located within the exterior boundaries of the proposed National Recreation Area included in Senate Bill S. 2233.

This final environmental statement was filed with CEQ on April, 10, 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, DC 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA Forest Service
Nezperce National Forest
319 East Main
Grangeville, ID 83530

USDA Forest Service
Salmon River Ranger District
Riggins, ID 83549

A limited number of single copies are available upon request to Acting Forest Supervisor Willard C. Clementson, Nezperce National Forest, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
*Acting Regional Forester, Northern Region, Forest Service.*

APRIL 10, 1974.

[FR Doc.74-8901 Filed 4-17-74;8:45 am]

## MULTIPLE USE PLAN ELKHORN PLANNING UNIT

### 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 Elkhorn Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-74-13.

The environmental statement concerns a proposed fabrication and implementation of a revised Multiple Use Plan delimiting the Management Direction for the Elkhorn Planning Unit of the Townsend Ranger District, Helena National Forest. This planning unit comprises that part of the Elkhorn Mountains located in portions of Broadwater and Jefferson Counties of the State of Montana and administered by the Townsend Ranger District. The unit is comprised of approximately 95,000 acres.

This draft environmental statement was filed with CEQ on April 10, 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, DC 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA Forest Service
Helena National Forest
616 Helena Avenue
Helena, MT 59601

USDA Forest Service
Helena National Forest
Townsend Ranger District
Townsend, MT 59644

A limited number of single copies are available upon request to Forest Supervisor Robert S. Morgan, Helena National Forest, 616 Helena Avenue, Helena, MT 59601.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert S. Morgan, Helena National Forest, 616 Helena Avenue, Helena, MT 59601. Comments must be received by June 10, 1974, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
*Acting Regional Forester, Northern Region, Forest Service.*

APRIL 10, 1974.

[FR Doc.74-8902 Filed 4-17-74;8:45 am]

## MULTIPLE USE PLAN FOR WHITE PINE PLANNING UNIT

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan for the White Pine Planning Unit, Forest Service Report Number USDA-FS-FES(Adm). 74-21

Proposed action is the implementation of a Multiple Use Plan for the White Pine Planning Unit, Palouse Ranger District, St. Joe National Forest, in Latah and Benewah Counties, Idaho. National Forest lands within the Unit total 16,750 acres. The remainder of the 32,500 acre unit is in private ownership, principally Potlatch Corporation. The plan was developed to provide the District Ranger with more detailed guidance for the Unit. The Unit is broken down into seven management areas which are described in the associated statement.

This final environmental statement was filed with CEQ on April 10, 1974.

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

USDA Forest Service
South Agriculture Bldg., Room 3231
12th Street & Independence Avenue S.W.
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, Montana 59801

USDA Forest Service
Clearwater National Forest
Route 3
Orofino, Idaho 83544

USDA Forest Service
Palouse Ranger District
Potlatch, Idaho 83855

A limited number of single copies are available upon request to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Route 3, Orofino, Idaho 83544.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

APRIL 10, 1974.

KEITH M. THOMPSON,
*Acting Regional Forester Northern Region, Forest Service.*

[FR Doc.74-8903 Filed 4-17-74;8:45 am]

## Packers and Stockyards Administration

[P. & S. Docket No. 4923]

## BAY CITY LIVESTOCK COMMISSION CO.

### Order Extending Period of Suspension of Modifications of Rates and Charges

On March 13, 1974, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

In re: Giles Lowery Stockyards, Inc., d/b/a Bay City Livestock Commission Company, Bay City, Texas, a corporation. (39 FR 10637).

Such order, among other things, susended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective March 15, 1974, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., April 11, 1974.

MARVIN L. MCLAIN,
*Administrator, Packers and Stockyards Administration.*

[FR Doc.74-8959 Filed 4-17-74;8:45 am]

## Rural Electrification Administration

## MINNKOTA POWER COOPERATIVE, INC.

### Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request to provide insured loan funds for Minnkota Power Cooperative, Inc., P.O. Box 1318, Grand Forks, North Dakota 58201, for a portion of a new 230 kV international interconnection between U.S. and Canadian power suppliers.

The total project is expected to consist of 315 miles of 230 kV transmission line starting near Rosser, Manitoba and terminating near Hibbing, Minnesota. Minnkota's section of this line will have taps near Warroad and Little Fork,

Minnesota, to support Minnkota's loads. The proposed U.S. portion of the project is expected to be located in Roseau, Lake of the Woods, Koochiching, Itasca and St. Louis Counties in northern Minnesota. It is planned that Manitoba Hydro would provide the Canadian portion of the line and that Minnesota Power & Light Company (MP&L) of Duluth, Minnesota and Minnkota would provide the U.S. portions with Minnkota providing the section from the border crossover to the Little Fork area, and MP&L supplying the section from the Little Fork area in Minnesota to Hibbing, Minnesota.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement. Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrifiation Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C. this 12th day of April, 1974.

DAVID A. HAMIL,
*Administrator.*

[FR Doc.74-8960 Filed 4-17-74;8:45 am]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

### VOLUNTARY PRODUCT STANDARDS

### Notice of Intent To Withdraw

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 Department's intent to withdraw the following listed Voluntary Product Standards. This withdrawal action is being taken for the reason that the products are covered by the ASTM standards identified parenthetically and the continued duplication of standards is inappropriate.

PS 10-69, "Polyethylene (PE) Plastic Pipe (Schedule 40—Inside Diameter Dimensions)" (ASTM D 2104-73, "Specification for Polyethylene (PE) Plastic Pipe, Schedule 40")

PS 11-69, "Polyethylene (PE) Plastic Pipe (SDR)" (ASTM D 2239-73, "Specification for Polyethylene (PE) Plastic Pipe (SDR-PR)")

PS 12-69, "Polyethylene (PE) Plastic Pipe (Schedules 40 and 80—Outside Diameter Dimensions)" (ASTM D 2447-73, "Specification for Polyethylene (PE) Plastic Pipe, Schedules 40 and 80 Based on Outside Diameter")

PS 18-69, "Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (Schedules 40 and 80)" (ASTM D 1527-73, "Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe, Schedules 40 and 80")

PS 19-69, "Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (Standard Dimension Ratio)" (ASTM D 2282-73, "Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR)")

PS 21-70, "Poly (Vinyl Chloride) (PVC) Plastic Pipe (Schedules 40, 80, and 120)" (ASTM D 1785-73, "Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe, (Schedules 40, 80, and 120")

PS 22-70, "Poly (Vinyl Chloride) (PVC) Plastic Pipe (Standard Dimension Ratio)" (ASTM D 2241-73, "Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe (SDR-PR)")

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by May 20, 1974. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: April 12, 1974.

RICHARD W. ROBERTS,
*Director.*

[FR Doc.74-8883 Filed 4-17-74;8:45 am]

### Social and Economic Statistics Administration

### CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

### Notice of Meeting

The Census Advisory Committee on State and Local Governments Statistics will convene on May 3, 1974 at 9:15 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: 1) Topics of current interest including staff changes, major program developments, color mapping developments, and the Census Bureau's role in energy data, 2) Uses of Census statistics, 3) Governments Division data—policy and planning uses, 4) Election statistics pretest 5) Public sector management/labor relations—data from the 1972 Census of Governments, and data uses and data needs, 6) Government's Division status report—current reporting program, general revenue sharing, and the 1972 Census of Governments, and 7) Early phases of the 1977 Census of Governments.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact Mr. Curtis Hill, Division Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233) Telephone: 301-763-5203.

EDWARD D. FAILOR,
*Administrator, Social and Economic Statistics Administration.*

[FR Doc.74-8948 Filed 4-17-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Health Services Administration

### MATERNAL AND CHILD HEALTH SERVICE RESEARCH GRANTS REVIEW COMMITTEE

### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of May 1974:

| Committee name | Date, time, place | Type of meeting and/or contact person |
|---|---|---|
| Maternal and Child Health Service, Research Grants Review Committee. | May 20-23, 9:00 a.m., Parklawn Bldg., Conference Room K, 5600 Fishers Lane, Rockville, Md. | Open—May 20, 9:00 a.m.-10:00 a.m. Closed—remainder of meeting. Contact Gloria Wackernah, Parklawn Bldg., Room 12A-08, 5600 Fishers Lane, Rockville, Md. Code 301-443-2190. |

*Purpose.* The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

*Agenda.* The Committee will be open to the public from 9:00 a.m.-10:00 a.m. of May 20 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the determination by the Administrator, Health Service Administration, pursuant to Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

That portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: April 12, 1974.

ANDREW J. CARDINAL,
*Associate Administrator for Management, Health Services Administration.*

[FR Doc.74-8921 Filed 4-17-74;8:45 am]

### National Institutes of Health

### NATIONAL HEART AND LUNG INSTITUTE

#### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, National Heart and Lung Institute, May 1, 1974, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 10 a.m. on May 1 to discuss the current stage of progress of the Multiple Risk Factor Intervention Trial. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10 a.m. to 5 p.m. on May 1, for the review and discussion of ongoing contracts in the Multiple Risk Factor Intervention Trial 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. Hugh Jackson, Information Officer, National Heart and Lung Institute, Room 5A20, Building 31, phone 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Room C809C, Landow Building, phone 496–2533, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.826, National Institutes of Health.)

Dated: April 15, 1974.

LEON M. SCHWARTZ,
*Associate Director for Administration, National Institutes of Health.*

[FR Doc.74–9016 Filed 4–17–74;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[FDAA–427–DR; Docket No. NFD–183]

### ILLINOIS

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92–209 (85 Stat. 742); notice is hereby given that on April 11, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from tornadoes, occurring on April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Illinois. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Illinois to have been adversely affected by this declared major disaster:

The Counties of:

| | |
|---|---|
| Macon. | Champaign. |
| Vermilion. | McLean. |

This disaster has been designated as FDAA–427–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 11, 1974.

THOMAS P. DUNNE,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8968 Filed 4–17–74;8:45 am]

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[FDAA–420–DR; Docket No. NFD–185]

### KENTUCKY

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kentucky, dated April 4, 1974, and amended on April 5, 1974, and April 10, 1974, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1974:

The County of:
Laurel

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 13, 1974.

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8965 Filed 4–17–74;8:45 am]

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[Docket No. NFD–181; FDAA–429–DR]

### MICHIGAN

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on April 12, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Staate of Michigan resulting from tornadoes, occurring on April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Michigan. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Michigan to have been adversely affected by this declared major disaster:

The County of:
Hillsdale

This disaster has been designated as FDAA–429–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 12, 1974.

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8963 Filed 4–17–74;8:45 am]

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[Docket No. NFD–182; FDAA–428–DR]

### NORTH CAROLINA

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92–209 (85 Stat. 742); notice is hereby given that on April 12, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from tornadoes, occurring on April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–696. I therefore declare that such a major disaster exists in the State of North Carolina. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act

of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Thomas P. Credle, HUD Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of North Carolina to have been adversely affected by this declared major disaster:

The Counties of:

| | |
|---|---|
| Burke. | Gaston. |
| Caldwell. | Graham. |
| Cherokee. | Lincoln. |

This disaster has been designated as FDAA–428–DR.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

Dated: April 12, 1974.

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8962 Filed 4–17–74;8:45 am]

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[FDAA–421–DR; Docket No. NFD–186]

### OHIO

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Ohio, dated April 4, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1974:

The counties of:

| | |
|---|---|
| Clark. | Paulding. |
| Delaware. | Pickaway. |
| Fayette. | Putnam. |
| Franklin. | Summit. |

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 13, 1974.

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8966 Filed 4–17–74;8:45 am]

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[FDAA–424–DR; Docket No. NFD–184]

### TENNESSEE

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated April 4, 1974, and amended April 5, 1974, and April 8, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1974:

The counties of:

| | |
|---|---|
| Clay. | Sullivan. |
| Grundy. | |

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 12, 1974.

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.74–8967 Filed 4–17–74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### WALT WHITMAN AND BENJAMIN FRANKLIN BRIDGE TOLLS

#### Order Fixing Date, Time, and Place of Hearing

By order issued on February 28, 1974 (39 FR 9220), the Federal Highway Administrator directed that additional public hearings be held in the pending proceeding to determine whether bridge tolls charged by the Delaware River Port Authority are just and reasonable. The February 28, 1974 order of the Administrator appointed me to conduct the hearings and to render a recommended decision in accordance with the procedural rules of the Federal Highway Administration.

Pursuant to that order of the Administrator, interested persons are hereby notified that the hearings will convene at 10 a.m. on April 23, 1974 in Courtroom No. 300 (U.S. Customs Court), located in the U.S. Customs House at 2d and Chestnut Streets, in Philadelphia, Pennsylvania.

All persons who desire to be heard, including persons who desire to make unsworn statements for the record, should be present at that time and place either personally or by counsel. Persons who desire to become parties and who are not now parties to the proceeding should file their petitions for leave to intervene in accordance with 49 CFR 310.9 as promptly as possible. Petitions for leave to intervene and other communications relating to the hearings should be directed to me at the address set forth below.

Issued on April 4, 1974.

EDWARD V. ALFIERI,
*Administrative Law Judge, Social Security Administration.*

[FR Doc.74–8895 Filed 4–17–74;8:45 am]

## ATOMIC ENERGY COMMISSION

### HEAVY WATER

#### Notice of Price Increase

The U.S. Atomic Energy Commission hereby announces a revision to the notice entitled "Heavy Water—Increase in Price," as published in the FEDERAL REGISTER on March 11, 1972 (37 FR 5266).

1. Paragraph 1 of the aforesaid notice is amended by substituting the words "from $39.00 to $55.00" for the words "from $30.00 to $39.00." As so amended, paragraph 1 reads as follows:

1. The U.S. Atomic Energy Commission (AEC) hereby announces an increase in the sale price and in the base charge for heavy water from $39.00 to $55.00 per pound, f.o.b. Savannah River Plant, Aiken, South Carolina. Additional charges will continue to be made to customers for packaging and handling. The base charge is the figure used in leasing arrangements by the AEC in applying its annual use-charge rate to the value of the material.

2. *Effective Date.* This notice is effective April 18, 1974.

Dated at Germantown, Md., this 15th day of April 1974.

For the U.S. Atomic Energy Commission.

PAUL C. BENDER,
*Secretary of the Commission.*

[FR Doc.74–9044 Filed 4–17–74;8:45 am]

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### KERR-McGEE NUCLEAR CORP.

[Docket No. 40–8027]

#### Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the Sequoyah Uranium Hexafluoride Plant, constructed by Kerr-McGee Nuclear Corporation in Sequoyah County, Oklahoma, is available for inspection by the public in the Commission's Public Document Room at 1717 H. Street, NW., Washington, D.C., and in the local Public Document Room located at the Sallisaw City Library, 111 North Elm, Sallisaw, Oklahoma 74955. The Draft Statement is also being made available at the State Clearinghouse, Office of Community Affairs and Planning, State Grant-in-Aid Clearinghouse, 4901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, and in the Metropolitan Clearinghouse, Arkhoma Regional Planning Commission, 104 N. 16th Street, Fort Smith, Arkansas 72901. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

The name of the applicant was changed from Kerr-McGee Corporation to Kerr-McGee Nuclear Corporation effective January 1, 1974.

The Applicant's Environmental Report, as supplemented, submitted by Kerr-McGee Nuclear Corporation is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 28, 1971 (36 FR 25056).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 10, 1974. Comments by Federal, State, and local officials, or other persons, received by the Commission will be made avail-

able for public inspection at the Commission's Public Document Room in Washington, D.C., and at the Local Public Document Room located at the Sallisaw City Library. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 11th day of April, 1974.

For the Atomic Energy Commission.

R. B. CHITWOOD,
*Chief, Technical Support Branch, Directorate of Licensing.*

[FR Doc.74-8866 Filed 4-17-74;8:45 am]

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[Docket No. STN 50-437]

## OFFSHORE POWER SYSTEMS

### Notice and Order for Third Session of Special Prehearing Conference

In the matter of floating nuclear power plants.

Notice is hereby given that the special prehearing conference required by § 2.715a of the Atomic Energy Commission's rules of practice, 10 CFR Part 2, sessions of which were held on February 11, 1974 and April 9, 1974 in Washington, D.C., will be reconvened on April 30, 1974 at 10 a.m., local time, in the Commissioners' Chambers, Second Floor, City Hall, 1301 Bacharach Boulevard, Atlantic City, New Jersey. This session of the special prehearing conference will be conducted by the Atomic Safety and Licensing Board (the Board) and will consider the following matters:

1. There will be oral argument on the contentions raised in the outstanding petition to intervene filed by the Atlantic County Citizens Council on Environment (ACCCE). ACCCE is required to file a revised version of its set of contentions by April 16, 1974, and the Applicant and the Atomic Energy Commission's Regulatory Staff (the Staff) must respond to these contentions by April 23, 1974.

2. The Board will consider the status of the representation on behalf of the City of Brigantine. Three individuals, Kenneth B. Walton, George B. Ward, and Walter H. Bew, appeared at the April 9, 1974 session of the special prehearing conference and each had documents indicating he represented the City of Brigantine. Mr. Walton had previously filed a petition to intervene, with contentions, on behalf of the City of Brigantine. Mr. Ward, in a document dated March 27, 1974, and Mr. Bew, in a document dated March 28, 1974, each entered petitions to intervene, with contentions, on behalf of the City of Brigantine. In view of this multiplicity, Mr. Walton, Mr. Ward and Mr. Bew indicated that they would confer with the Mayor of Brigantine with a view toward securing a unified position on representation and contentions. They are required to report the results of their efforts to the Board by April 16, 1974. Under these circumstances, the Board hereby extends the time for the Applicant and the Staff to reply to the Ward and Bew petitions until April 23, 1974.[1] Oral argument will be held on April 30, 1974 on: (a) Either consolidation of the three Brigantine petitions or late filing of the Ward and Bew petitions; and (b) any outstanding contentions made on behalf of the City of Brigantine.

A request was made by ACCCE and representatives of other New Jersey petitioners that this third session of the special prehearing conference be held in New Jersey. As there have been expressions of local interest in this proceeding in New Jersey and as this session of the special prehearing conference will deal only with petitions to intervene by New Jersey entities, the Board has decided to hold this session of the special prehearing conference in New Jersey.

Members of the public are invited to attend this session of the special prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715(a) of the Commission's rules of practice, 10 CFR Part 2, may identify themselves at this session of the prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

Dated this 12th day of April, 1974 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
*Chairman.*

[FR Doc.74-8864 Filed 4-17-74;8:45 am]

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# CIVIL AERONAUTICS BOARD

[Docket 25280; Agreement C.A.B. 24319, R-1 and R-2; Order 74-4-78]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order; Agreement on Specific Commodity Rates

APRIL 12, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates, as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 3, 1974.

| Agreement CAB | Specific commodity item No. | Description and rate |
|---|---|---|
| 24319: | | |
| R-1 | 6107 | Haemoderivatives and Blood plasma 266 cents per kg., minimum weight 200 kgs. From Johannesburg to New York/Montreal. |
| R-2 | 6815 | Plastic Roadbeds for Toy Trains 90 cents per kg., minimum weight 500 kgs. From Copenhagen to New York/Montreal. |

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24319, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of September 28, 1973, and Order 74-4-7 of April 2, 1974, and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
*Acting Secretary.*

[FR Doc.74-8941 Filed 4-17-74;8:45 a.m.]

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[Docket 25280; Agreement C.A.B. 24320; Order 74-4-66]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order; Agreement on Cargo Rate Matters

APRIL 11, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the

[1] The Walton petition had previously been answered by the Applicant and the Staff, and oral argument was held thereon at the February 11, 1974 and April 9, 1974 sessions of the special prehearing conference.

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted at a special Policy/Technical Group meeting held in Geneva on February 28, 1974.

The agreement would revise proportional rates for interior Canadian points used to construct through transatlantic cargo rates between Canada and Europe. The proposal affects air transportation as defined by the Act insofar as it involves general cargo rates, which are combinable with rates to/from U.S. points, and will herein be approved.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.15, it is not found that the following resolution, which is incorporated in Agreement C.A.B. 24320 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

| *IATA Memorandum* | *Application* |
|---|---|
| JT123 Meet 778 and 779: Report of JT12 North Atlantic High Level Policy/Technical Group Meeting to amend proportional rate levels for Canadian points. | ½ (N. Atlantic). |

Accordingly, *It is ordered*, That:

Agreement C.A.B. 24320 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
*Acting Secretary.*

[FR Doc.74-8942 Filed 4-17-74;8:45 am]

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[Docket 25513; Agreement C.A.B. 24301; Order 74-4-81]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order; Agreement on Passenger Fare Matters

APRIL 12, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

This agreement provides for increases in fares between Denmark and points in Europe and Africa by 30 U.K. pence one way (60 pence round trip) to recover a new tax on international traffic imposed by Danish authorities effective April 1, 1974. We are approving the agreement to the extent that it involves normal first class and economy fares, which are combinable with fares to/from United States points and thus has indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution incorporated in Agreement C.A.B. 24301, is adverse to the public interest or in violation of the Act:

200 (Mail 202) 005z

Accordingly, *it is ordered*, That:

Agreement C.A.B. 24301 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
*Acting Secretary.*

[FR Doc.74-8943 Filed 4-17-74;8:45 am]

## COMMISSION ON CIVIL RIGHTS

### NEW JERSEY 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 New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 18, 1974, in Room 2152, Public Service Electric and Gas Company, 70 Park Place, Newark, New Jersey 07109.

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. 20425.

The purpose of this meeting shall be to review progress of followup activities to the New Jersey SAC's Prison Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 12, 1974.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.74-8909 Filed 4-17-74;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### HAZARDS FROM TELEVISION RECEIVERS

#### Change of Public Hearing Location

In the FEDERAL REGISTER of March 22, 1974 (39 FR 10929), the Commission announced that a hearing would be held at 9:30 a.m. on April 23-24, 1974, concerning television receiver safety with emphasis on shock and fire hazards.

To accommodate all parties who have indicated an interest in attending the hearing and presenting views, notice is given that the location of the hearing has been changed to the auditorium of the Department of the Interior Building at C Street between 18th and 19th Streets NW., Washington, D.C.

Due to building security procedures, persons wishing to attend are asked to use the C Street entrance to eliminate the need for "Guest Passes." Government personnel are asked to carry their government identification cards.

Dated: April 16, 1974.

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

[FR Doc.74-8976 Filed 4-17-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-180003]

### USE OF STRYCHNINE ALKALOID IN AN EMERGENCY RABID SKUNK CONTROL PROGRAM

#### Notice of the Issuance of a Specific Exemption

Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption from the provisions of section 3 of the Act (86 Stat. 979) to the Montana State Department of Livestock to allow the use of strychnine alkaloid in eggs as a means of emergency control of rabid skunks through May 31, 1974, in the following counties in eastern Montana: Sheridan, Blaine, Hill, Valley, Daniels, Roosevelt, and Phillips. Eggs will be placed only within a three-mile radius of sites where rabid skunks are found. A total of less than six ounces of strychnine alkaloid will be used. The Environmental Coordinator, Department of Livestock, Brands-Enforcement Division, will supervise the program. State trappers trained for such work will prepare, place, and retrieve the eggs. No Federal lands are involved in the program. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

The purpose of this rabid skunk control program is to prevent further exposure of domestic animals and man to rab-

id skunks, thereby preventing, so far as is possible, domestic animal deaths and the need for post-exposure human antirabies treatment.

Trapping and poisoning are considered the principal means of controlling rabies among wild animals. Trapping is less specific and less humane than is poisoning with scented baits placed judiciously where the target animal is likely to frequent. Further, trapping requires far greater manpower, as each site must be visited daily.

No irreversible adverse environmental effects have been detected in previous use of strychnine in similar programs nor are any anticipated as a result of use in this rabid skunk control program. Because of the emergency nature of the situation and the epizootic proportions, a poisoning program as outlined above is deemed to be the best possible alternative. This program has been authorized with the concurrence and support of the Center for Disease Control, Atlanta, Georgia.

The exemption is valid only through May 31, 1974, provided the control is necessary beyond the winter months; it is subject to withdrawal if it is determined by the Administrator (EPA) that the State of Montana is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8:00 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Room 347—East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: April 12, 1974.

ARSEN J. DARNAY,
*Acting Assistant Administrator for Hazardous Materials Control.*

[FR Doc.74-9041 Filed 4-17-74;8:45 am]

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[OPP-32000/39]

## RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 17, 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 June 17, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 2204-RG. Diamond Shamrock Chemical Company, NOPCO Chemical Division, 350 Mt. Kemble Avenue, P.O. Box 2386R, Morristown, New Jersey 07960. *Nopcocide 152 for Industrial Use Only.* Active Ingredients: 1,4-Bis (bromoacetoxy)-2-butene 30.0%; Bis (trichloromethyl) sulfone 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1598-EGU. FCX, Inc., P.O. Box 2419, Raleigh, North Carolina 27602. *FCX Toxaphene—EPN 42 Cotton Spray.* Active Ingredients: Toxaphene 40.0%; O-ethyl O-p-nitrophenyl phenylphosphonothioate 20.0%; Xylene 33.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 279-EOTG. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Chlordane 5 Dust Insecticide.* Active Ingredients: Chlordane, Technical 5.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33855-R. Melard Mfg. Corp., 153 Linden Street, Passaic, New Jersey 07055. *Melard Root Destroyer.* Active Ingredients: Copper Sulphate 99.41%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RNI. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Maneb 80-2.* Active Ingredients: Maneb 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RNO. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Lime-Sulfur Solution.* Active Ingredients: Calcium Polysulfide 29.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RRE. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Dibrom Sevin Dust No. 4-5.* Active Ingredients: Naled 4.0%; Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RRG. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Cryolite-Sulfur Dust 45-35.* Active Ingredients: Cryolite 45.0%; Sulfur 35.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RRN. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Cryolite WP.* Active Ingredients: Cryolite (Sodium Fluoaluminate) 84.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RRR. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Cu Zn.* Active Ingredients: Basic Copper Sulfate 36.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2296-TN. National Chemical Laboratories of Pennsylvania, Tenth and Callowhill Streets, Philadelphia, Pennsylvania 19123. *POW Concentrated Detergent, Sanitizer Fungicide, Disinfectant, Deodorizer.* Active Ingredietns: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.6%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1685-52. The State Chemical Manufacturing Co., 3100 Hamilton Avenue, Cleveland, Ohio 44114. *Formula 236 Terg-O-Cide Cleaner-Disinfectant-Deodorizer-Fungicide-Virucide.* Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 10352-11. Union Carbide Corporation, 270 Park Avenue, New York, New York 10017. *Union Carbide Sentry Grain Preserver.* Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-GOA. Wilbar-Ellis Company, P.O. Box 1286, Fresno, California 93715. *Dipel 150 Sulfur 25 Dust.* Active Ingredients: Bacillus Thuringiensis, Berliner, Potency of 320 International Units per mg. (at least 0.5 billion viable spores per g.) 2.0%; Sulfur 25.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: April 8, 1974.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

[FR Doc.74-8315 Filed 4-17-74;8:45 am]

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## AMERICAN CYANAMID CO.

### Notice of Establishment of Temporary Tolerance

American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, submitted a petition (PP 4G1451) requesting establishment of a temporary tolerance for combined negligible residues of the herbicide *N*-(1-ethylpropyl)-2,6-dinitro-3,4-xylidine and its metabolite 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on corn grain at 0.1 part per million.

It has been determined that a temporary tolerance for residues of the herbicide in or on corn grain at 0.1 part

per million will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

This temporary tolerance expires April 10, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: April 10, 1974.

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

[FR Doc.74-8900 Filed 4-17-74;8:45 am]

## ELANCO PRODUCTS CO.

### Establishment of Temporary Tolerance

Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, submitted a petition (PP 4G1446) requesting establishment of a temporary tolerance for negligible residues of the herbicide oryzalin (3,5-dinitro-*N*⁴,*N*⁴-dipropylsulfanilamide) in or on the raw agricultural commodity cottonseed at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide in or on cottonseed will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Elanco Products Co. name.

This temporary tolerance expires April 10, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: April 10, 1974.

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

[FR Doc.74-8899 Filed 4-17-74;8:45 am]

# FEDERAL POWER COMMISSION

[Docket No. RP74-12]

## NORTHERN NATURAL GAS CO.

### Order Vacating Suspension and Terminating Proceeding

APRIL 8, 1974.

By its order issued October 16, 1973, in this docket, the Commission accepted for filing, suspended for one day and set for hearing a proposed rate increase tendered by Northern Natural Gas Company, Peoples Division (Northern Natural) on August 31, 1973. In its filing of August 31, 1973, Northern Natural proposed that the effective date of the tendered rate schedule be October 16, 1974.

Northern Natural's filing was noticed on September 19, 1973, which required that protests and petitions to intervene be filed on or before October 5, 1973. No such petition or protests have been filed.

On February 20, 1974, Staff Counsel filed a motion to vacate the Commission's order of October 16, 1973, including its provision for a one day suspension of the proposed rates and terminate the present proceeding. Staff Counsel stated that the Staff has completed its review of the August 31, 1973 filing and concluded that the rates contained therein were just and reasonable. Staff's Motion of February 20, 1974 was noticed on February 26, 1974 with comments due on or before March 11, 1974. No comments, petitions or protests have been filed.

Upon further evaluation of Northern Natural's tendered filing, this Commission is now of the opinion that the proposed rates are just and reasonable.

The Commission finds:

It is in the public interest that Staff Counsel's motion of February 20, 1974 be granted and Northern Naturals proposed rates be made effective, that the one day suspension previously ordered in this docket be vacated and that the proceeding be terminated.

The Commission orders:

(A) The Commission's order of October 16, 1973 in Docket No. RP74-12 ordering a one-day suspension and hearing procedures is hereby vacated.

(B) The proposed rate increased tendered by Northern Natural on August 31, 1973 and accepted for filing in our order of October 16, 1973, shall become effective as of October 16, 1973 without suspension.

(C) Docket No. RP74-12 is hereby terminated.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-8907 Filed 4-17-74;8:45 am]

[Docket Nos. RI73-214, etc.]

## SOHIO PETROLEUM CO., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 10, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders.* (A) Under the Natural Gas Act, particularly Sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* | | Rate in effect subject to refund in docket No. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI73-214.. | Sohio Petroleum Co..... | [1] 153 | 7 | Colorado Interstate Gas Co. (Madden Field, Fremont County, Wyo., Montana-Wyoming Subarea) (Rocky Mountain Area). | $11,145 | 3-11-74 | ..... | 3-12-74..... | 22.3463 | 22.6791 | RI73-214. |
| RI74-202.. | Tenneco Oil Co..... | 153 | 6 | El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex., San Juan Basin) (Rocky Mountain Area). | 11,577 | 3-14-74 | ..... | 9-14-74..... | [7] 16.3119 | [4] [7] 28.5 | |
| RI74-203.. | McCulloch Gas Processing Corp. | [1] 3 | [2] 8 | McCulloch Interstate Gas Corp. (Powder River Basin, Campbell County, Wyoming, Montana-Wyoming Subarea) (Rocky Mountain Area). | ..... | 3-14-74 | 4-14-74... | [6] Accepted..... | | | |
| RI74-141..... | do..... | | 9 | .....do..... | 76,270 | [3] 3-14-74 | ..... | 3-15-74..... | [5] 26.97 | [5] 27.626 | RI74-141. |

*Unless otherwise stated, the pressure base is 14.65 lb/in [2]a.
[1] Basic contract is dated after Oct. 1, 1968.
[2] Contract amendment dated Mar. 12, 1974.
[3] As amended by letter dated Mar. 22, 1974.
[4] Subject to Btu adjustment.
[5] Base rate is 23.87 cents.
[6] Accepted for filing to become effective as of the date set forth in the "Effective Date Unless Suspended" column.
[7] The pressure base is 15.025 lb/in[2] a.

The proposed rate increases of Sohio Petroleum Company and McCulloch Gas Processing Corporation reflect partial reimbursement for the Wyoming severence tax. Since their currently effective rates are being collected subject to refund, the proposed tax increases are suspended in the existing rate proceedings for one day after the date of filing.

The proposed rate increase of Tenneco Oil Company exceeds the applicable ceiling rate established by Opinion No. 658 and is suspended for five months.

[FR Doc.74-8745 Filed 4-17-74;8:45 am]

[Docket No. CI74-530]

## TEXAS EASTERN EXPLORATION CO.

### Notice of Application

APRIL 9, 1974.

Take notice that on March 21, 1974, Texas Eastern Exploration Co. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CI74-530 an application pursuant to section 7(c) and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to its affiliate, Texas Eastern Transmission Corporation (Texas Eastern), from the Block 147 and 201 Fields, Vermilion Area, the Block 222 Field, East Cameron Area, and the Block 513 Field, West Cameron Area, all offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas under the optional gas pricing procedure to Texas Eastern from the subject fields pursuant to separate but identical contracts for each of the hereinbefore mentioned fields, at an initial rate of 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The basic contracts for the subject sale, dated August 24, 1973, provide for annual price escalations of 1.0 cent per Mcf per year after November 1, 1974. Estimated monthly sales from the Block 147 and 201 Fields, Vermilion Area, are 130,000 Mcf and 200,000 Mcf, respectively; from the Block 222 Field, East Cameron Area, is 265,000 Mcf, and from the Block 513 Field, West Cameron Area, is 40,000 Mcf.

Applicant states that the contract prices will be less costly than any number of alternative sources of pipeline gas supplies which have either been certificated by the Commission, are pending before the Commission or are under active consideration by other pipeline companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-8905 Filed 4-17-74;8:45 am]

[Docket No. RP73-69]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Order Approving Amended Settlement Agreement With Modification

APRIL 5, 1974.

On January 4, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed amended settlement agreement in the above-entitled proceeding. If approved, the amended settlement would resolve all issues in this proceeding with the exception of the proposed exploration and development surcharge proposal which was the subject of separate hearings and which will be decided separately at a later date. The proposed settlement rates would result in a reduction of approximately $7.4 million in Transcontinental's presently effective rates.

This proceeding involves a general rate increase application filed by Transco on December 15, 1972, requesting an increase in rates for jurisdictional natural gas sales and services of $42.25 million annually based on sales for the 12 months ended August 31, 1972, as adjusted. By Commission order issued January 31, 1973, the proposed increase was suspended for the maximum statutory period of 5 months, following which the increased rates became effective on July 1, 1973, subject to refund and subject to the President's 60-day price freeze imposed for the period June 13 to August 13, 1973.

On May 31, 1973, Transco filed revised rates reflecting the unmodified Atlantic Seaboard cost-classification formula, and including two additional tracking rate

increases,[1] and requested that such revised rates be accepted for filing and permitted to become effective in lieu of those originally filed. By order issued June 29, 1973, the Commission accepted the revised rates for filing and permitted the same to become effective as requested.

A proposed settlement herein was originally certified to the Commission by the Presiding Judge on June 26, 1973. On November 26, 1973, the Commission remanded the settlement to the Presiding Judge because of significant changes in circumstances resulting from the November 12, 1973, decision of the U.S. Court of Appeals for the District of Columbia vacating and remanding the Commission's Opinion and Order No. 655. The Commission stated that the effect of the court's order might be to restore to Transco 81,000 Mcf per day of gas production from the La Gloria field in Texas, and that such potential restoration would significantly affect the annual volume of gas to be used in determining Transco's rates in this docket. The Commission further expressed its reservation concerning the inclusion in the settlement rate base of unrecovered purchased gas costs.

Upon remand and after further negotiations among the parties and our staff, an amended settlement agreement was submitted to the Presiding Judge on December 21, 1973, together with a motion by Transco for approval thereof. The amended settlement provides for the reinstatement of gas to Transco from the La Gloria field at 81,000 Mcf per day, and provides further for the elimination from rate base of deferred purchased gas costs. The amended settlement agreement was certified to the Commission by the Presiding Judge on January 4, 1974. Public notice of the amended settlement was issued on January 11, 1974, providing for the filing of comments by interested parties on or before January 21, 1974. Several comments were received in response to the notice. The principal provisions of the amended settlement agreement may be summarized as follows:

(1) Article I is an introduction setting forth the procedural background of the proceeding and a summary of the settlement provisions. Article II contains the basic rates derived from the settlement cost of service. Article III (as amended) contains an explanation of the rates to be effective under the settlement commencing September 1, 1973. Such rates, in addition to the basic Article II rates, also reflect (1) a tracking increase under Transco's PGA clause, which became effective April 1, 1973; (2) a tracking increase for curtailment credits and debits filed in Docket No. RP72–99, which became effective concurrently with the rates collected in Docket No. RP73–69; (3) a tracking increase under Transco's PGA clause which became effective October 1, 1973; (4) an increase filed pursuant to Article VII infra to track an increase in Consolidated Gas Supply Corporation's GSS rate to Transco, which became effective subject to refund on December 1, 1973, in Docket No. RP73–107, and (5) a tracking increase for curtailment credits and debits filed on November 27, 1973, in Docket No. RP72–99 to be effective as of January 1, 1974.

(2) Article IV provides for the recoupment of unrecovered costs by Transco applicable to sales made during the period from July 1, 1973 to September 1, 1973. Pursuant to the Commission's order issued in this docket on January 31, 1973, Transco's proposed increased rates would have gone into effect after suspension on July 1, 1973. However, because of the President's 60-day price freeze from June 13 to August 13, 1973, the increased rates could not be placed into effect by Transco until August 13, 1973. Transco voluntarily agreed as a part of the settlement herein to defer the effectiveness of its increased rates for the further period from August 13 to September 1, 1973, without prejudice to its ability ultimately to recover the costs thus deferred. Pursuant to Article IV of the settlement, Transco is permitted to accumulate in Account No. 186, Miscellaneous Deferred Debits, an amount of costs represented by the difference between the settlement rates and the rates actually in effect during the period July 1, 1973, to September 1, 1973. Article IV further provides that the amount so accumulated shall be treated for rate purposes in the same manner as unrecovered purchased gas costs, and shall be permitted to be recouped under Transco's tariff PGA clause. Finally, Article IV provides that the above-outlined procedure shall be subject to the approval of the Cost of Living Council or any successor agency under the Economic Stabilization Act of 1970, as amended, either by specific ruling or by general rules and regulations as are applicable. It is further provided that the proposed rate treatment shall not be effectuated unless the Cost of Living Council or successor agency, either of specific approval or by general rules and regulations as are applicable, permits such increased rates to be reflected in the rates of Transco's customers.

(3) Article V sets forth a general disclaimer of acquiescence in the Atlantic Seaboard cost classification formula as reflected in the settlement rates. Article VI provides for the continued tracking of supplier rate changes by Transco under its tariff PGA clause.

(4) Article VII authorizes and establishes procedures by which Transco would be permitted to track changes in the cost of storage service rendered to Transco by Consolidated Gas Supply Corporation under its Rate Schedule GSS and by Texas Eastern Transmission Corporation under its Rate Schedule X–28. Such tracking authority would apply during the period in which the settlement remains in force. Article VIII provides for an increase in Transco's depreciation rate to a composite rate of 3.65 percent based upon depreciation rates of 3.5 percent for onshore facilities and 5 percent for offshore facilities. Article X authorizes and establishes procedures by which Transco would be permitted to track the rate effect of "advance payments for gas" as that term is defined by applicable Commission orders, such authorization to last for the term of the settlement.

(5) Article IX provides for inclusion in the settlement cost of service of a net amount of $4,447,964, representing the unamortized portion of certain unrecoverable advance payments made by Transco. Such amount is included pending final court review on the merits of rate base treatment thereof. The revenues representing the rate effect of the inclusion of said sum in the settlement rate base shall be subject to refund with interest by Transco in the event of an adverse court decision.

(6) Article XI provides for deferred accounting and rate adjustment for recovery of annual charges which may be assessed by this Commission in rulemaking Docket No. R–408.

(7) Article XII reserves Transco's proposed 3 cents per Mcf exploration and development surcharge for separate hearing and decision. Article XIII contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated. Article XIV provides for acceptance of the settlement in its entirety, for waiver of the Commission's Regulations as may be required, and further provides that the term of the settlement shall last so long as the settlement rates remain in effect.

The settlement rates are based on a jurisdictional cost of service of $500,284,198, as shown in Appendix A, Schedule 1 of the amended settlement agreement. The settlement cost of service includes a return on Transco's net investment rate base of 8.87 percent yielding a return on common equity of 14.38 percent. The settlement cost of service capitalization, and return components are set forth in Appendix A [1] hereto. We find the settlement cost of service, rate of return, and resulting rates to be reasonable and in the public interest, and they are hereby approved.

In response to the notice of certification of the settlement issued on January 11, 1974, there parties, Consolidated Edison Company of New York, Philadelphia Gas Works, and the New York Public Service Commission, filed comments expressing objection to Article IV of the proposed settlement agreement. As explained above Article IV provides for the recoupment by Transco of revenues lost as a result of the President's Phase III price freeze. The commenting parties express the view that Article IV of the settlement would, in effect, result in circumvention of the price freeze by Transco, and would be contrary to the policy and regulations of the Cost of Living Council. Transco replies that pursuant to Article IV it would not be collecting increased rates for sales made during the price freeze period, but rather

[1] A purchased gas cost adjustment in Docket No. RP73–3, and a change in billing for curtailment credits and debits in Docket No. RP72–99.

[1] Filed as part of the original document.

simply deferring costs incurred during the price freeze period for collection at a later date. The disagreement between the parties appears to be one purely of semantics.

Article IV provides that the specified procedures shall be subject to approval by the Cost of Living Council or "successor agency". Transco, in its motion for approval of the settlement, argues that this Commission is in a position to approve the proposed procedures as the "successor agency", referring to the fact that on August 7, 1973, the Cost of Living Council published its final Phase IV regulations to be effective from and after August 13, 1973. These regulations provide, in § 150.56, that "Rate increases for commodities or services provided by a public utility are exempt." Transco argues that the effect of this exemption of utilities was to give this Commission full power to approve rates in accordance with the standards of the Natural Gas Act, and, therefore, the power to approve Article IV of the Settlement.

We are unable to determine on the record before us whether authority to approve Article IV resides with this Commission or with the Cost of Living Council. The Phase IV regulations under which we would have authority in this matter, apply only from and after August 13, 1973, and it is true that Transco's collection of the deferred amount will occur under Article IV subsequent to August 13, 1973. Yet the amounts to be collected are clearly applicable to sales made by Transco during the price freeze. To the extent the Cost of Living Council retains jurisdiction to approve the provisions of Article IV of the settlement, we defer to that jurisdiction. To the extent jurisdiction rests with this Commission, we find that Article IV is reasonable, and should be approved. The amounts to be recovered represent costs which we have found justified and approved to be included in the settlement cost of service and related rates. Article IV is specifically approved as to all amounts related to the period from August 13, 1973 to September 1, 1973.

In light of the foregoing we shall require Transco, as a condition to approval of the proposed settlement, to make application to the Cost of Living Council for approval of the procedures set forth in Article IV as it applies to amounts deferred during the period July 1, 1973, through August 12, 1973. At such time as Transco applies to this Commission for authorization to track these deferred amounts, it shall submit a statement outlining its efforts to obtain Cost of Living Council approval, and the results of such efforts. We shall consider such representations by Transco in determining the action to be taken.

As previously noted, Article XI of the settlement agreement provides for deferred accounting and rate adjustment for recovery of annual charges which may be assessed by this Commission. Article XI now appears moot in light of the Supreme Court's decision of March 4, 1974, reversing Commission Order No. 427 (Docket No. R-408), assessing annual fees against jurisdictional gas pipeline and electric utilities. Accordingly, Article XI will be disapproved.

Based on our review of the amended settlement agreement, the entire record relating thereto, and the comments of the parties, we find that with the exception of Article XI, and subject to the exercise of possible jurisdiction by the Cost of Living Council with respect to Article IV, the settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly it should be approved and adopted.

The Commission finds:

The settlement of this proceeding on the basis of the amended settlement agreement certified herein by the Presiding Judge on January 4, 1973, as modified by the terms of this order, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement, as modified, should be approved as hereinafter ordered.

The Commission orders:

(A) With the exception of Article XI, and subject to paragraph (C) below, the amended settlement agreement certified by the Presiding Judge on January 4, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Article XI of the amended settlement agreement is disapproved.

(C) Within 30 days from the date of this order, Transco shall apply to the Cost of Living Council for approval of the provisions of Article IV of the settlement agreement as it applies to amounts deferred during the period July 1, 1973, through August 12, 1973. At such time as Transco applies to this Commission for authorization to track the deferred amounts under said Article IV, it shall submit, as a part of its application, a statement outlining its efforts to obtain Cost of Living Council approval, and the result of such efforts.

(D) Within 30 days from the date of this order, Transco shall file with the Commission revised tariff sheets in conformity with the terms of the amended settlement agreement as herein approved.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Transco, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Transco or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-8906 Filed 4-17-74;8:45 am]

## FEDERAL RESERVE SYSTEM

### SOUTHERN BANCORPORATION, INC.

#### Order Approving Acquisition of Bank

Southern Bancorporation, Inc., Greenville, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 10 percent of the voting shares of Bank of North Charleston, North Charleston, South Carolina ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In connection with this proposal, Applicant has set forth facts which raised a presumption that Applicant will exercise control over Bank. Subsequently, Applicant submitted letters confirming those facts and stating that upon, and immediately following, consummation of the propsed acquisition of shares of Bank, Applicant will, in fact, control Bank. Accordingly, the Board regards this proposal as one for the acquisition of a subsidiary bank.

Applicant presently controls one banking subsidiary with deposits of approximately $144 million,[1] representing 4.3 percent of the total commercial bank deposits in South Carolina. The acquisition of shares of Bank would not affect the concentration of banking resources in the State.

Bank is to be located in the city of North Charleston, which is in the Charleston SMSA banking market. This market is presently served by eleven banks, including offices of the State's five largest banks. Applicant does not presently operate in this market, and the office of Applicant's subsidiary bank closest to Bank is about 145 miles away. Since Bank is a proposed new bank, Applicant's acquisition of Bank would not have any immediate effect on Applicant's share of commercial bank deposits in the Charleston SMSA banking market; nor would it have any adverse effects on existing or potential competition with respect to the Charleston SMSA banking market. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary bank are regarded as satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors are consistent with approval of the application. Although there is no evidence in the rec-

[1] Banking data are as of June 30, 1973.

ord that the major banking needs of the community are not being adequately served, Bank would serve as an additional source of full banking services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

By order of the Board of Governors,[2] effective April 10, 1974.

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

[FR Doc.74-8896 Filed 4-17-74;8:45 am]

## AMERICAN BANCSHARES, INC.

### Acquisition of Bank

American Bancshares, Incorporated, North Miami, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all the assets and assume the liabilities of Trans Florida Bancshares, Inc., Sarasota, Florida, a one-bank holding company which controls Trail National Bank, Sarasota, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1974.

Board of Governors of the Federal Reserve System, April 10, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8928 Filed 4-17-74;8:45 am]

## BARNETT BANKS OF FLORIDA, INC.

### Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Southern National Bank of Palm Beach County, Lake Worth, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1974.

Board of Governors of the Federal Reserve System, April 10, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8931 Filed 4-17-74;8:45 am]

## BOATMEN'S BANCSHARES, INC.

### Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to merge with U.N. Bancshares, Inc., Springfield, Missouri, and thereby acquire direct ownership of 90 percent or more of the voting shares of The Union National Bank of Springfield, Springfield, Missouri; Springfield National Bank, Springfield, Missouri; Pulaski County Bank, Richland, Missouri and the Bank of Taney County, Forsyth, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 9, 1974.

Board of Governors of the Federal Reserve System, April 11, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8935 Filed 4-17-75;8:45 am]

## BOATMEN'S BANCSHARES, INC.

### Proposed Acquisition of Missouri Mortgage and Investment Company

Boatmen's Bancshares, Inc., St. Louis, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Missouri Mortgage and Investment Company, Springfield, Missouri. Notice of the application was published on February 12, 1974, in the Springfield Leader & Press, a newspaper circulated in Springfield, Missouri, on March 7, 1974, in the Taney County Republican, Forsyth, Missouri, and on March 7, 1974, in The Richland Mirror, Richland, Missouri.

Applicant states that the proposed subsidiary would engage in the making or acquiring, for its own account or the account of others, mortgage loans on residential, commercial and industrial properties, as well as other kinds of loans and other extensions of credit; and servicing of said loans and other extensions of credit for any person. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 9, 1974.

Board of Governors of the Federal Reserve System, April 11, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8926 Filed 4-17-74;8:45 am]

## DETROIT NATIONAL CORP.

### Proposed Acquisition of Ralph C. Sutro Co.

Detroit National Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Ralph C. Sutro Co., Los Angeles, California. Notice of the application was published on several dates in newspapers circulated in Santa Ana, Los Angeles, San Diego and San Francisco, all in California.

Applicant states that the proposed subsidiary would engage in the activity of mortgage banking, including making or acquiring mortgage loans for its own account and others, servicing mortgage loans, providing investment advisory services, and acting as trustee under deeds of trust and as an insurance broker and agent with respect to insurance directly related to extensions of credit, related to the Ralph C. Sutro Co., its subsidiaries and employees and insurance sold as a convenience to purchasers (such premium income from "convenience" sales to be less than 5 per cent total premium income, exclusive of that derived from sales to Ralph C. Sutro Co., its subsidiaries and employees). Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland and Wallich. Absent and not voting: Governors Mitchell and Bucher.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 8, 1974.

Board of Governors of the Federal Reserve System, April 10, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8930 Filed 4-17-74;8:45 am]

## ELLIS BANKING CORP.

### Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Ellis Bank of North Tampa, Tampa, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1974.

Board of Governors of the Federal Reserve System, April 11, 1974.

THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8934 Filed 4-17-74;8:45 am]

## FIRST BANCSHARES OF FLORIDA, INC.

### Order Approving Acquisition of Bank

First Bancshares of Florida, Inc., Boca Raton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent of the voting shares of The First Marion Bank, Ocala, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest commercial banking organization in Florida, controls 13 banks with aggregate deposits of approximately $445 million, representing 2.2 percent of total deposits in commercial banks in the State.[1] Acquisition of Bank ($12.2 million of deposits) would not result in a significant increase in the concentration of banking resources in the State. Upon acquisition of Bank, Applicant's ranking among State banking organizations would remain unchanged.

Bank is the fifth largest bank in the relevant banking market (approximated by Marion County) and controls 6.2 percent of the deposits therein. Each of the three largest banks in the market holds deposits of more than twice those of Bank and each is affiliated with a multibank holding company. Applicant's banking subsidiary closest to Bank is located about 200 miles away in Fort Pierce. No competition exists between Bank and Applicant's subsidiary banks. Further, due to the distances involved, it is unlikely that any significant competition will develop in the future. The Board concludes that consummation of the proposed transaction would not have an adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources of Applicant and its subsidiary banks are generally satisfactory, particularly in view of Applicant's commitment to inject $1.4 million of equity capital into certain of its subsidiary banks, and the future prospects for each appear favorable. Bank's financial and managerial resources are also generally satisfactory and its future prospects appear favorable. Therefore, the banking factors are consistent with approval of the application.

Although there is no evidence in the record to indicate that the major banking needs of the area are not presently being met, affiliation with Applicant should allow Bank to expand the range of services it presently offers. Thus, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 11, 1974.

CHESTER B. FELDBERG,
*Secretary of the Board.*

[FR Doc.74-8937 Filed 4-17-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through January 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell and Bucher.

## GIRARD CO.

### Proposed Acquisition of Omnilease Corp.

The Girard Company, Bala Cynwyd, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire, through Girard Leasing Corporation, a proposed de novo corporation, 50 percent of the voting shares of Omnilease Corporation, San Diego, California. Notice of the application was published on several dates in March, 1974, in The San Diego Union, the Philadelphia Daily News and The Wall Street Journal (eastern edition), newspapers circulated in San Diego, Philadelphia, and the eastern portion of the United States, respectively.

Applicant states that the proposed subsidiaries would engage in the activities of leasing personal property and equipment on a full pay out basis and acting as agent, broker or adviser in the leasing of such property, respectively. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1974.

Board of Governors of the Federal Reserve System, April 9, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8929 Filed 4-17-74;8:45 am]

## NAMYAW CORP., INC.

### Proposed Retention of Namyaw Insurance Agency

Nawyaw Corporation, Inc., Emporia, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Namyaw Insurance Agency, Emporia, Kansas. Notice of the application was published on March 2, 1974, in The Emporia Gazette, a newspaper circulated in Emporia, Kansas.

Applicant states that the proposed subsidiary would continue to engage in the following activities: to sell credit life insurance and credit accident and health insurance directly related to extensions of credit made at Emporia State Bank and Trust Company, Emporia, Kansas, and to sell other insurance as a convenience to Bank's customers, provided that the gross commissions from the sale of such insurance shall not exceed 5 percent of the gross commissions deriving from the sale of all insurance sold by the Agency. Such activities will be conducted at offices in Emporia, Kansas. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 8, 1974.

Board of Governors of the Federal Reserve System, April 10, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8927 Filed 4-17-74;8:45 am]

## NATIONAL BANCSHARES CORPORATION OF TEXAS

### Order Approving Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Churchill National Bank, San Antonio, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twelfth largest banking organization in Texas, presently controls three banks with aggregate deposits of approximately $369.4 million,[1] representing about one percent of total commercial bank deposits in Texas. Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is to be located in the San Antonio SMSA banking market. Applicant, the second largest banking organization in the San Antonio market, controls two subsidiary banks with combined deposits of $348.3 million, representing approximately 16.7 percent of the total commercial bank deposits in that market. Since Bank is a proposed new bank, Applicant's acquisition of Bank would not have any immediate effect on Applicant's share of commercial bank deposits in the San Antonio SMSA; nor would it have an adverse effect on existing or potential competition with respect to the San Antonio SMSA banking market. The northern San Antonio area, where Bank will be located, is experiencing rapid and substantial growth. This area is presently attractive for de novo entry and will continue to be attractive for such entry after consummation of the proposed acquisition. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. The addition of a new banking alternative in rapidly growing northern San Antonio will provide greater convenience to a segment of the population of the San Antonio SMSA banking market. In addition, affiliation of Bank with Applicant will enable Bank to provide its customers with access to Applicant's services, expertise, and financial resources. Accordingly, considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Churchill National Bank, San Antonio, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 10, 1974.

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

[FR Doc.74-8933 Filed 4-17-74;8:45 am]

## TENNESSEE VALLEY BANCORP, INC.

### Order Approving Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Guaranty Bank and Trust Company, Memphis, Tennessee ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest multibank holding company in Tennessee, controls

[1] All deposit figures are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through March 1, 1974.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell and Bucher.

five banks[1] with aggregate deposits of approximately $795 million,[2] representing 7.5 percent of the total deposits in commercial banks in the State. Approval of this application would not significantly increase Applicant's share of Statewide deposits, would not alter Applicant's ranking among the State's banking organizations and would not significantly affect the concentration of banking resources in Tennessee.

Bank ($1.1 million in deposits as of December 31, 1973) is the smallest of fourteen commercial banks located in the Memphis banking market[3] and holds less than 1 percent of the deposits in the market. Applicant's closest banking subsidiary to Bank is located 134 miles northeast of Bank. It appears that no meaningful competition exists between Bank and any of Applicant's subsidiary banks. Accordingly, the Board concludes that approval of this application would not have an adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory in view of Applicant's commitment to inject additional capital into one of its subsidiary banks. In addition, Applicant's commitment to provide Bank with additional management personnel lends some weight for approval of the proposal.

Although there is no evidence in the record to indicate that the banking needs of the communities to be served are not currently being met, Applicant proposes to expand the range of services presently offered by Bank, and provide Bank with access to Applicant's managerial resources. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] By Order of April 1, 1974, the Board approved Applicant's acquisition of a sixth bank, the successor by merger to the Old & Third National Bank of Union City, Tennessee.

[2] Unless otherwise noted, all banking data are as of June 30, 1973, adjusted to reflect bank holding company formations and acquisitions approved by the Board through March 1, 1974.

[3] Approximated by Shelby County (less the Millington area in the northern portion), the Southern area of De Soto County, Mississippi, and the West Memphis area of Crittenden County, Arkansas.

By order of the Board of Governors,[4] effective April 10, 1974.

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

[FR Doc.74-8932 Filed 4-17-74;8:45 am]

## WYOMING BANCORPORATION

### Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Wyoming, N.A., Rock Springs, Wyoming, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 7, 1974.

Board of Governors of the Federal Reserve System, April 11, 1974.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.74-8936 Filed 4-17-74;8:45 am]

# OFFICE OF MANAGEMENT AND BUDGET

## CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearance or reports intended for use in collecting information from the public received by the Office of Management and Budget on April 15, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if aplicable; 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).

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell and Bucher.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service, Certification of Nonsubstitution—Forest Service Timber Sales, Form ____, Occasional, Lowry, Purchasers of national forest timber.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Minority Group Mental Health Manpower Questionnaire, Form ____, Annual, Sunderhauf/Lowry, Professionals in mental health field.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, A Pocket Guide for Visual Distress Signals, Form ____, Single time. Lowry, Recreational boating throughout U.S.

National Highway Transportation Safety Administration, Motor Vehicle Diagnostic Inspection Demonstration Projects, Form ____, Semi annual, Foster, Motor vehicle operators.

Departmental, Boston Area Carpool Program—Follow-up Mail Survey, Form ____, Single time, Foster, Individuals in Boston metrop. area.

U.S. TARIFF COMMISSION

Producers' Questionnaire and Importers' Questionnaire, Chain Door Locks and Chain Door Guards, Form ____, Single time, Evinger, All U.S. producers & importers of chain door locks & chain door guards.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Téacher Exchange Program, Forms OE 356 1 thru 6, Occasional, Lowry, Teachers.

Student Participant Information Report, Form OE 1229, Semi annual, Planchon, Project directors at H.E. Institutions.

Educational Talent Search Program Statistical Report, Form OE 1231, Semi annual, Planchon, Project directors at higher education institutions.

Social Security Administration, Skilled Nursing Facility Request to Establish Eligibility in Medicare and/or Medicaid Program(s), Forms SSA 1516 and SSA 1516A, Skilled nursing facilities.

EXTENSIONS

DEPARTMENT OF JUSTICE

Drug Enforcement Administration, Addict Report, Form DEA 34, Occasional, Evinger (x).

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, Hours of Service Report, Form FRA F 6180-3, Monthly, Evinger (x).

Hours of Service Records of Railroad Employee, Form____, Monthly, Evinger (x).

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.74-9030 Filed 4-17-74;8:45 am]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

## CONTINENTAL VENDING MACHINE CORP.

### Notice of Suspension of Trading

APRIL 12, 1974.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 15, 1974, through April 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-8957 Filed 4-17-74;8:45 am]

[File No. 500-1]

### HOME-STAKE PRODUCTION CO.

#### Notice of Suspension of Trading

APRIL 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange, is suspended, for the period from April 15, 1974 through April 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-8958 Filed 4-17-74;8:45 am]

[File No. 500-1]

### STRATTON GROUP, LTD.

#### Notice of Suspension of Trading

APRIL 12, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 15, 1974 through April 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-8954 Filed 4-17-74;8:45 am]

[File No. 500-1]

### PATTERSON CORP.

#### Notice Amending Notice of Suspension of Trading

APRIL 12, 1974.

The Commission having determined to amend its notice of April 9, 1974 summarily suspending trading in the securities of Patterson Corporation for the period from April 10, 1974 through April 19, 1974;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of Patterson Corporation being traded otherwise than on a national securities exchange is suspended, for the period from April 10, 1974 through April 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-8955 Filed 4-17-74;8:45 am]

[File No. 500-1]

### SOMATRONICS, INC.

#### Notice of Suspension of Trading

APRIL 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Somatronics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. (e.d.t.) on April 10, 1974 through April 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-8956 Filed 4-17-74;8:45 am]

## DEPARTMENT OF LABOR

### Office of the Secretary

### FRED BRAUN WORKSHOPS, INC.

#### Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 8, 1974, the U.S. Tariff Commission made a report of its investigation (TEA-W-223) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers and former workers employed at Fred Braun Workshops, Inc., New York, New York. In this report the Commission found that articles like or directly competitive with footwear for women manufactured by Fred Braun Workshops, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 34 FR 2472; 39 FR 10501, 29 CFR Part 90). In the recommendation she noted that concession-generated imports like or directly competitive with footwear produced by Fred Braun Workshops, Inc. increased substantially. The company began importing shoes in 1969 to supplement the product line offered through its own retail outlets. In 1973, due to widening price differentials between lower cost imported shoes and the company's domestic production, the company increased its imports significantly for resale in place of shoes that it had traditionally produced domestically. Because of the higher profitability of its importing operations, Fred Braun Workshops ceased all domestic production of shoes in December 1973.

Reduction in employment levels directly related to import competition began in September 1973 and continued until the plant closed in December 1973. All workers at Fred Braun Workshops were employed in work related to the production of women's footwear. After due consideration, I make the following certification:

All salaried, hourly, and piecework employees of the Fred Braun Workshops, Inc., New York, New York who became unemployed or underemployed after September 8, 1973 and before December 22, 1973, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962 except that the following identified employees of Fred Braun Workshops, Inc. shall be eligible to apply for adjustment assistance even if they become unemployed or underemployed after December 22, 1973.

Randolph Mason, 251 West 103rd Street, New York, New York 10025.
Morfin Huerta, 520 West 183rd Street No. 52, New York, New York 10033.

Signed at Washington, D.C. this 11th day of April 1974.

JOEL SEGALL, *Deputy Under Secretary, International Affairs.*

[FR Doc.74-8910 Filed 4-17-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 489]

### ASSIGNMENT OF HEARINGS

APRIL 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 to hearings in which they are interested. No amendments will be entertained after April 18, 1974.

MC 107012 Sub-172, North American Van Lines, Inc., application dismissed.
MC 2860 Sub 136, National Freight, Inc., application dismissed.
MC 136051 Sub-3, RPD, Inc., now being assigned June 18, 1974, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-8938 Filed 4-17-74;8:45 am]

## FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 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 on or before May 3, 1974.

FSA No. 42824—*Beet or Cane Sugar to Germantown, Wisconsin.* Filed by Western Truck Line Committee, Agent (No. A-2701), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental, and western trunkline territories, to Germantown, Wisconsin.

Grounds for relief—Rate relationship and returned shipments.

Tariffs—Supplement 152 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 3 other schedules named in the application. Rates are published to become effective on May 15, 1974.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42825—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 678), for interested rail carriers. Rates on salt, common, soda, caustic, liquid, and zinc ore or concentrates, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 48 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on May 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-8939 Filed 4-17-74;8:45 am]

[Notice 30]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 12, 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 considered as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 409 (Sub-No. 52), filed March 11, 1974. Applicant: SCHROETLIN TANK LINE, INC., Saunders Ave. & Highway 6, P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mapco Pipeline terminal, at or near Clay Center, Kans., to points in Iowa, Nebraska, 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 Kansas City, Mo.

No. MC 25869 (Sub-No. 118), filed March 11, 1974. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and storage facilities of Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Omaha, Nebr.

No. MC 35320 (Sub-No. 141), filed March 4, 1974. Applicant: T.I.M.E.-DC, INC., 2598 74th Street (P.O. Box 2550), Lubbock, Tex. 79405. Applicant's representative: Edward K. Wheeler and Chandler L. van Orman, 704 Southern Building, 15th and H Streets, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City,

Okla. and Denver, Colo.: From Oklahoma City over U.S. Highway 270 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 50 at or near Garden City, Kans., thence over U. S. Highway 50 to junction U.S. Highway 287 at Lamar, Colo., thence over U.S. Highway 287 to Denver, and return over the same route, restricted against the transportation of any traffic originating at, destined to, or interchanged at Denver, Colo., as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 355), filed March 1, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Building, One Vandenberg Center, Grand Rapids, Mich. 49502. 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 plantsite and facilities of Gray-Syracuse, Inc. at or near Chittenango, N.Y. as an off route point in connection with carrier's authorized regular route operations.

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 39032 (Sub-No. 1), filed March 1, 1974. Applicant: H. L. WHITE MOVER, INC., 16 Church Street, Keene, N.H. 03431. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and in retail stores, and in connection therewith, equipment, materials and supplies used in the conduct of such businesses, (1) from Keene, N.H., to points in Windham and Windsor Counties, Vt. and Worcester and Franklin Counties, Mass. and *returned shipments* from the above-named destination points to Keene, N.H., under continuing contract with Sears, Roebuck and Co.; and (2) from Keene and Walpole, N.H., to points in Windham and Windsor Counties, Vt. and *returned shipments* from the above-named destinations in (2) above, to Keene and Walpole, N.H., under continuing contract with Nelson C. Faught Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Concord, N.H.

No. MC 50069 (Sub-No. 481), filed March 7, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwod Avenue, Toledo, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diesel fuel*, in bulk, in tank vehicles, (1) from Huron, Ohio, to points in Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee, Texas, Virginia, and West Virginia; and (2) from Atlanta, Ga., Charleston, W. Va., Dallas, Tex., Detroit, Mich., Fort Wayne, Ind., Grand Rapids, Mich., Houston, Tex., Indianapolis, Ind., Little Rock, Aark., Louisville, Ky., Memphis, Tenn., Nashville, Tenn., Peoria, Ill., Roanoke, Va., and St. Louis, Mo., to Huron, Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed neecssary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 363), filed February 25, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Reigelwood, N.C., to points in Minnesota, Wisconsin, Iowa, Michigan, Kansas, Missouri, Illinois, Indiana, Ohio, and Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 366), filed March 4, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Waynesboro, Martinsville, and Staunton, Va., to Milwaukee, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 367), filed March 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304, Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories and equipment* used in connection with the manufacturing of metal containers, from Marion, Ohio, to points in Kentucky, Tennessee, and Pennsylvania, restricted to traffic originating at the plant site and warehouse of National Can Corporation.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60157 (Sub-No. 20), filed March 4, 1974. Applicant: C. A. WHITE TRUCKING COMPANY, a Corporation, 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined in 61 M.C.C. 209, *Descriptions in Motor Carrier Certificates*, from the plant site and storage facilities of Chaparral Steel Company, Inc., near Midlothian, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and scrap steel*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite of Chaparral Steel Company, Inc., near Midlothian, Tex.

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 Dallas or Fort Worth, Tex.

No. MC 64932 (Sub-No. 527), filed March 11, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sound deadener*, in bulk, from the plantsite and facilities of Mortell Company, at Kankakee, Ill., to the plantsite and facilities of Chrysler Corporation, at Fenton, Mo., restricted to the transportation of shipments originating at the plantsite and facilities of Mortell Company, at Kankakee, Ill., and destined to the plantsite and facilities of Chrysler Corporation, at Fenton, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 341), filed March 11, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, 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: (1) *Electrical switches, electrical bus bar systems, electrical iron and steel hardware;* (2) *Electrical parts, attachments and accessories;* and (3) *materials, components, and supplies*, used in connection with the commodities described in (1) and (2) above (except commodities in bulk), between the plantsite of General Electric Company, located at or near Selmer, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 80428 (Sub-No. 88), filed March 7, 1974. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box

430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, and blends of liquid and invert sugar and corn syrups, and flavorings and flavoring syrups, and corn syrups*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, and Connecticut.

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 New York, N.Y.

No. MC 82841 (Sub-No. 142), filed March 8, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* with or without attachments (except tractors used for pulling highway trailers), *excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipelayers, dump trucks* designed for off-highway use, and *parts, attachments, and accessories* for the above-named commodities, from Aurora, Decatur, Joliet, Mossville, Morton and Peoria, Ill., and Caterpillar Tractor Co. facilities within 15 miles of Peoria, Ill., in Peoria, Tazewell, and Woodford Counties, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at the plantsites, storage areas, and warehouses of Caterpillar Tractor Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94201 (Sub-No. 120), filed March 8, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, and supplies, and accessories, incidental thereto* (except commodities in bulk), from the production, storage and warehouse facilities of The Celotex Corporation, located in Wayne County, N.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochinching Counties, Minn., to the International Boundary line between the United States and Canada. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 95876 (Sub-No. 148), filed March 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) *Composition board*, from Grand Rapids, Minn., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Oklahoma, Oregon, Rhode Isand, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Washington, and West Virginia; and (2) *phenolic resin*, from Bound Brook, N.J.; North Tonawanda, N.Y.; Kent, Ohio; and Sheboygan, Wis., to points in Grand Rapids, Minn.

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 Minneapolis, Minn.

No. MC 100449 (Sub-No. 45), filed March 7, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, tile, clay, clay products, joint materials, pipe compound, pipe fittings, and filter bed blocks*, from Pittsburg, Kans., to points in Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 101075 (Sub-No. 120), filed March 1, 1974. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles (except anhydrous ammonia and liquefied petroleum gas), from points in Hennepin, Ramsey, Washington, Scott, and Dakota Counties, Minn., to points in Wisconsin, Iowa, South Dakota, North Dakota, and the upper peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 102616 (Sub-No. 899), filed March 4, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Breese, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri; and (2) from Dublin and Joardin, Ind., to points in Illinois, Kentucky, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 800), filed February 19, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, on undercarriages, from points in Garfield County, Colo. to points in the United States (except Alaska and Hawaii).

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, the applicant requests it be held at Chicago, Ill.

No. MC 105813 (Sub-No. 194), filed March 7, 1974. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, from Carol Stream, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the warehouse facility of E. J. Brach & Sons Division of American Home Products Corporation, located at Carol Stream, Ill.; and (2) *bakery goods*, from Richmond, Ind., to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 106497 (Sub-No. 95), filed March 4, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, couplings, fittings, and accessories* necessary for the installation thereof; and (2) *vinyl siding and accessories* necessary for the installation thereof, from Williamsport, Maryland, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the plantsites and storage facilities of Certain-Teed Products Corporation in Williamsport, Md.

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 Philadelphia, Pa.

No. MC 106603 (Sub-No. 132), filed March 11, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from the facilities of Phoenix Manufacturing Co. at Joliet, Ill., to the facilities of Continental Steel Corp. at Kokomo, Ind.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 106644 (Sub-No. 175), filed February 27, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, *and parts, attachments, and accessories* for use in the installation and operation of the above-named items (except commodities in bulk); and (2) *commodities* used in the manufacturing of items listed in (1) above (except commodities in bulk); (a) from points in Jackson County, Ala., to points in the United States (except Alaska and Hawaii); and (b) from points in the United States (except Alaska and Hawaii) to points in Jackson County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 107107 (Sub-No. 433), filed March 10, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42nd Ave. (Lejeune Rd.) Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising and promotional materials*, when moving with such candy and confectionery, from the warehouse facilities of E. J. Brach & Sons, Division of American Home Products Corp., located at or near Carol Stream, Ill., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107227 (Sub-No. 131), filed February 28, 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: *Wheeled agricultural sprayers other than hand-operated*, from Wilsonville, Oreg., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, 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 San Francisco, Calif., or Portland, Oreg.

No. MC 107295 (Sub-No. 701), filed March 7, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Montrose County, Colo., to points in Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, Texas, 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 Denver, Colo.

No. MC 107295 (Sub-No. 702), filed March 7, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleachers and grandstands, and component parts thereof*, from Three Rivers, Mich., to points in Arkansas, Missouri, Iowa, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Tennessee, Ohio, New York, Pennsylvania, North Carolina, Virginia, Minnesota, 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 Detroit, Mich.

No. MC 107295 (Sub-No. 703), filed March 7, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated metal building panels, insulated fiberglass panels, urethane roof insulated panels and accessories*, from Holland Township, Mich., 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 Chicago, Ill.

No. MC 107295 (Sub-No. 704), filed March 7, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (for remelting purposes only), from Paris, Ill., to Detroit, Mich.

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 Detroit, Mich.

No. MC 107295 (Sub-No. 705), filed March 7, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towers, water cooling; air conditioners; and condensers and accessories*, from Paxton, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Indiana, Iowa, Kansas, Ohio, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110098 (Sub-No. 145), filed March 4, 1974. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. 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 and commodities in bulk, in tank vehicles), from Harlan, Iowa, and Omaha, Nebr., to points in Arkansas, Oklahoma, Louisiana, and Texas, restricted to traffic originating at the plantsites and storage facilities utilized by American Beef Packers, Inc., at the named origins, and destined to points in the above named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or San Antonio, Tex.

No. MC 110098 (Sub-No. 146), filed March 8, 1974. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and com-

modities 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 Arkansas, Louisiana, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or San Antonio, Tex.

No. MC 110420 (Sub-No. 709), filed March 8, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soybeans and blends thereof*, in bulk, in tank vehicles, from the plantsites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

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, the applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1089), filed March 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 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) *Sodium bisulfate*, in bulk, in tank vehicles, from the plantsite and facilities of the E. I. Du Pont de Nemours & Co., at or near Cleveland, Ohio, to ports of entry on the International Boundary line between the United States and Canada located at or near Niagara Falls, N.Y.; and (2) *foundry facings, liquid mold release products, quenching compounds, hydraulic fluids, cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils, and water based metal working lubricant*, in bulk, in tank vehicles, from Howell, Mich., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 110563 (Sub-No. 132), filed March 1, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk in tank vehicles), from Washington Court House, Ohio, to points in Pennsylvania, New York, New Jersey, Connecticut, Maryland, Rhode Island, Delaware, Massachusetts, District of Columbia, Maine, Vermont, New Hampshire, Indiana, Wisconsin, Illinois, Missouri, Iowa, Minnesota, and Michigan, restricted to traffic originating at Washington Court House, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 111729 (Sub-No. 421), filed February 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media, and advertising material* of all kinds, (a), between Park Forest, Ill., and Fort Wayne, Ind.; and (b), between South Bend, Ind., and Lansing, Mich.; (2) *Computer parts, business machine parts, assemblies, and supplies* pertaining thereto, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, (a), from the District of Columbia, to Frederick, Md.; (b), from Atlanta, Ga., to points in Bay, Escambia, and Okaloosa Counties, Fla., and points in Alabama, North Carolina, South Carolina, and Tennessee; and (c), between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, on traffic having an immediately prior or subsequent movement by air; and (3), *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, restricted against the transportation or packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, between St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Mississippi, Ohio, Oklahoma, Tennessee, and West Virginia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111785 (Sub-No. 58), filed March 11, 1974. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, materials, and supplies* (except liquid chemicals), (1) between points in Greenbrier and Pocahontas Counties, W. Va., on the one hand, and, on the other, points in Bath and Highland Counties, Va.; and (2) between points in Greenbrier and Pocahontas Counties, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 112304 (Sub-No. 77), filed March 7, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: T. Collins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulation materials, and accessories*, from Cincinnati, Ohio, and points within the Cincinnati, Ohio, Commercial Zone, to points in Delaware, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia.

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 Tampa, Fla.

No. MC 112713 (Sub-No. 163), filed March 4, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (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 the use of special equipment), Between Chicago, Ill., and Minneapolis-St. Paul, Minn.: From Chicago over Interstate Highway 90 to Madison, Wis., thence over Interstate Highway 90 and 94 to junction Interstate Highway 90 and 94, thence over Interstate Highway 94 to Minneapolis-St. Paul, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessar , applicant requests it be held at Chicago, Ill.

No. MC 112713 (Sub-No. 165), filed March 4, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kansas 66207. Applicant's representative: Robert E. DeLand (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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville, Tenn., and Athens, Ala.: From Nashville, Tenn., over Interstate Highway 65 to Athens, Ala., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; RESTRICTION: The operations authorized herein are restricted against the transportation of traffic originating at or destined to points in Tennessee; and (2) Between Knoxville, Tenn., and Nashville, Tenn.: From Knox-

ville, over Interstate Highway 40 to Nashville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 113267 (Sub-No. 313), filed March 4, 1974. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk, in tank vehicles), *food ingredients, and advertising materials and specialities, and related equipment and supplies*, when moving with foodstuffs and food ingredients, dairy products, meats, meat products, and meat by-products and articles distributed by meat packing houses, from points in Illinois and Wisconsin, to points in Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 113624 (Sub-No. 65), filed March 8, 1974. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Grand Island, Nebr., to points in Colorado, Kansas, Minnesota, Missouri, North Dakota, and South Dakota.

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 Omaha, Nebr.

No. MC 113843 (Sub-No. 201), filed March 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. 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.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114004 (Sub-No. 140), filed March 11, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, from points in Maricopa, Pinal, and Pima Counties, Ariz. to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 114273 (Sub-No. 167), filed March 8, 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 Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. 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 & Co., Inc., at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

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 114457 (Sub-No. 185), filed March 1, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air duct* (except commodities in bulk), from Kansas City, Kans., to points in Illinois, Indiana, Michigan, and Ohio.

NOTE.—Common control may be involved. Applicant states that the requested authority canot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Kansas City, Kans.

No. MC 114533 (Sub-No. 294), filed March 7, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 S. Jefferson St., Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Jefferson City, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 114725 (Sub-No. 59), filed March 1, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, appplicant requests it be held at Omaha, Nebr.

No. MC 115793 (Sub-No. 17), filed March 4, 1974. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, P.O. Box 672, Lenoir, N.C. 28645. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, from points in Missouri, to points in Alabama, Georgia, South Carolina, North Carolina, Tennessee, and 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.

No. MC 115841 (Sub-No. 468), filed March 11, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of J. H. Filbert, Inc., located at points in Baltimore, Anne Arundel, Howard, and Prince Georges Counties, Md., to points in North Dakota, South Dakota, Colorado, New Mexico, Arizona, Utah, West Virginia, Wyoming, Montana, Washington, Idaho, Nevada, and California, restricted to traffic originating at, or destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, appplicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 116935 (Sub-No. 15), filed February 13, 1974. Applicant: COM-

MERCIAL FURNITURE DISTRIBUTORS, INC., 107 Trumbull Street, Elizabeth, N.J. 07206. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and parts thereof*, between the facilities of Commercial Furniture Distributors, Inc., located at Elizabeth, N.J., on the one hand, and, on the other, points in New York and Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 117119 (Sub-No. 499), filed March 7, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration from New York, N.Y., Baltimore, Md., those points in Pennsylvania on and east of U.S. Highway 15, and points in New Jersey and Delaware, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control and 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 either Philadelphia, Pa., or Washington, D.C.

No. MC 117883 (Sub-No. 188), filed March 11, 1974. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and byproducts*, produced or distributed by manufacturers and converters of paper and paper products, from Troy and Urbana, Ohio, to St. Louis, Mo., and points in Illinois and Indiana on and north of U.S. Highway 40, restricted to traffic originating at the plant sites and storage facilities of the Howard Paper Company, Brown Bridge Mills, Inc., and the Laminated and Coated Product Division, St. Regis Paper, Inc., located at or near Urbana and Troy, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 117940 (Sub-No. 117), filed March 11, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, from Minneapolis-St. Paul, Minn., Commercial Zone, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and facilities utilized by John Morrell and Co.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 118142 (Sub-No. 64), filed March 7, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages in containers and related advertising material*, from the plant site of the Schlitz Brewery Company at Memphis, Tenn., to points in Kansas City, Lawrence, Topeka, Hutchinson, and Emporia, Kans.

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 Wichita, Kans.

No. MC 118142 (Sub-No. 66), filed March 11, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and carpeting*, from the plant and warehouse of Coleman Furniture Co., at Pulaski, Va., to points in Missouri, Kansas, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 119226 (Sub-No. 87), filed February 25, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and soybean products and blends thereof*, in bulk, from the plantsite and warehouse facilities of Archer Daniels Midland Company, located at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above-named origin and destined to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 119656 (Sub-No. 26), filed February 28, 1974. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluxing compounds*, from North Judson, Ind., to Granite City and Chicago, Ill., and Owensboro, Ky.

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 Indianapolis, Ind.

No. MC 119897 (Sub-No. 18), filed March 8, 1974. Applicant: A–1 TRANSPORTATION COMPANY, a Corporation, 3102 Maury Street, Houston, Tex. 77026. Applicant's representative: J. D. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum pitch*, in bulk, in tank vehicles, from the plantsite of Koppers Co., Inc., at or near Houston, Tex., to the plantsite of Consolidated Aluminum Company, at or near Harbor, La.

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 120364 (Sub-No. 4), filed December 3, 1973. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, Ill. 61109. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric appliances and parts, refrigeration equipment and parts, gym apparatus and parts, lawn equipment and parts, and powdered milk*, from Forreston, Genoa, and Polo, Ill., and Atlantic, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin; and (2) *materials and supplies* on return.

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 123407 (Sub-No. 158), filed March 7, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Cinnaminson, N.J., Floreffe, Pa., and Erwin, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 244), filed March 1, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124965 (Sub-No. 4), filed February 27, 1974. Applicant: OIL TRANSPORT, INC., 4419 Bainbridge Boulevard, Chesapeake, Va. 23320. Applicant's representative: Blair P. Wakefield, Suite 1001 First & Merchants, National Bank Building, Norfolk, Va. 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from the plantsite of Foster Grant Co., Inc., at Chesapeake, Va., to points in the United States on and east of U.S. Highway 85.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Norfolk, Va.; (2) Richmond, Va.; or (3) Washington, D.C.

No. MC 126276 (Sub-No. 92), filed March 11, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract 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 container, container ends and container accessories, (except commodities in bulk or those which because of size or weight require the use of special equipment), (a) from Elwood, Ind., to Northbrook, Ill.; and (b) from Shoreham, Mich., to North East, Pa., under contract with Continental Can Company.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 127834 (Sub-No. 101), filed March 1, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Nashville, Tenn., to points in the United States (except Alaska and Hawaii).

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 Nashville, Tenn.

No. MC 129129 (Sub-No. 6), filed March 13, 1974. Applicant: JACK-LEONARD TRANSPORTATION CO., INC. 67–12 73rd Place, Middle Village, N.Y. 11379. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *TV component parts, cassettes, recorders, and turntables*, from points in the New York Harbor area as defined by the Commission in 49 CFR 1070.1, to Farmingdale, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Newark, N.J.

No. MC 129445 (Sub-No. 13), filed February 27, 1974. Applicant: DIXIE TRANSPORT CO. OF TEXAS, a Corporation, P.O. Box 5447 (3840 I. S. 10 S.), Beaumont, Tex. 78701. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, between the plantsite of Gulf Oil Company-U.S., located at West Port Arthur, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control and 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 either Houston, Beaumont, or Dallas, Tex.

No. MC 133233 (Sub-No. 28), filed March 4, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Colorado, Montana, and Wyoming, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming (except from Afton, Wyo., to points in Nebraska and Council Bluffs, Iowa), under a continuing contract with William T. Joyce Wholesale Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133377 (Sub-No. 5), filed March 7, 1974. Applicant: COMMERCIAL SERVICES, INC., Box 735, Storm Lake, Iowa 50588. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 the plant site and cold storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Nebraska, restricted to traffic originating at the named origin and destined to points in Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 133689 (Sub-No. 42), filed March 4, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. 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: (1) *Candy and confectionery and related articles* (except commodities in bulk), and (2) *advertising matter, premiums and display materials*, when shipped in the same vehicle as the commodities described in (1) above, from Carol Stream, Ill., to points in Minnesota, those in North Dakota and South Dakota on and east of U.S. Highway 81, and those points in that part of Iowa on and within a line beginning at the Iowa-Minnesota State Boundary line and extending south along U.S. Highway 69 to its intersection with U.S. Highway 34, thence east along U.S. Highway 34 to its intersection with U.S. Highway 63, thence north along U.S. Highway 63 to the Iowa-Minnesota State Boundary line and Superior, Wis., restricted to traffic originating at the warehouse and/or storage facilities of E. J. Brach and Sons (Division of American Home-Foods Corporation).

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 Chicago, Ill., or Minneapolis, Minn.

No. MC 133689 (Sub-No. 43), filed March 7, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. 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, 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 the plantsite and storage facilities utilized by Flavorland Industries, Inc., at or near West Fargo, N. Dak., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, 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 Fargo, N. Dak., or Minneapolis, Minn.

No. MC 133689 (Sub-No. 44), filed March 8, 1974. Applicant OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the plantsite and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 133796 (Sub-No. 21), filed March 5, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric heating elements*, from Dallas, Pa., to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) *materials, supplies and equipment*, used in the manufacture and distribution of the above commodities, from the above named destination points, to Dallas, Pa.

NOTE.—Applicant holds contract authority in MC–129239 but indicates dual operations are not involved. 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 Harrisburg, Pa.

No. MC 133936 (Sub-No. 2), filed February 11, 1974. Applicant: SECO TRUCKING, INC., 61 W. Calhoun Street, Memphis, Tenn. 38102. Applicant's representative: Robert L. White, 1031, 100 N. Main Building, Memphis, Tenn. 38103. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment of expeditious transportation), between Memphis, Tenn., and the Holiday Industrial Park located in De Soto County, Miss., described as follows: on and bounded by a line beginning at the Tennessee-Mississippi State line and extending along Germantown Road to its intersection with Goodman Road, thence along Goodman Road to its intersection with Center Hill Road, thence along Center Hill Road to Tennessee-Mississippi State line, and thence along Tennessee-Mississippi State line to point of beginning.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 134301 (Sub-No. 4), filed March 4, 1974. Applicant: CHARTERWAYS TRANSPORTATION LIMITED, 1901 Oxford, London, Ontario, Canada. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, moving on air bills of lading), (a) between ports of entry on the International Boundary line between the United States and Canada, at or near Detroit, Mich., on the one hand, and, on the other, Detroit Metropolitan Airport, Romulus, Mich.; Willow Run Airport, Willow Run, Mich.; O'Hare Airport, Chicago, Ill.; and Cleveland, Ohio Airport; and (b) between ports of entry on the International Boundary line between the United States and Canada, at or near Buffalo, N.Y., on the one hand, and, on the other, the Buffalo and Rochester, N.Y., Airports; J. F. Kennedy International and La Guardia Airports, New York, N.Y.; Newark Airport, Newark, N.J.; and Greater Philadelphia Airport, Philadelphia, Pa., restricted to traffic having either an immediately prior or subsequent movement by air.

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., Detroit, Mich., or Buffalo, N.Y.

No. MC 134328 (Sub-No. 2), filed March 1, 1974. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, Ark. 72396. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper tubing, copper pipe, materials*, used in the manufacture of copper tubing, *pipe, and packaging, and accessories therefor*, between Wynne, Ark., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Illinois, Wisconsin, and the upper peninsula of Michigan; and (2), *materials*, used in the manufacture of copper pipe, tubing, and packaging, from points in Texas, Oklahoma, Kansas, Missouri, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Arkansas, and Florida to Wynne, Ark., (1) and (2) above, under contract with Cambridge-Lee Industries, Inc.

NOTE.—Applicant states that the requested authority cannot be catekwdititsh authority cannot be tacked with its existing authority. If a heari..g is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 134377 (Sub-No. 3), filed February 20, 1974. Applicant: DAVID J. WINNING, an individual, 2288 Aiken Road, McKees Rocks, Pa. 15136. Applicant's representative: John A. Pillar, 1122 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plant equipment and machinery and parts thereof, plastic resins, plastic granules, and interplant correspondence* (excluding commodities in bulk), between Natrium, W. Va., and ittsburgh, Pa., under continuing contract with Mobay Chemical Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 134574 (Sub-No. 17), filed March 6, 1974. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yucca sap and extract*, in chemical solution, requiring temperature control, from Porterville, Calif., to ports of entry along the International Boundary Line, between the United States and Canada, located in Washington, Idaho, and Montana, restricted to the transportation of traffic destined to points in Canada.

NOTE.—Applicant holds contract carrier authority in MC 124972 (Sub-No. 2), 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, the applicant requests it be held at San Francisco, Calif., or Billings, Mont.

No. MC 134648 (Sub-No. 2), filed March 7, 1974. Applicant: MORGAN COUNTY TRUCKING, INC., 1010 E. Nutter, Martinsville, Ind. 46151. Applicant's representative: Thomas F. Quinn, 715 First Federal Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in truck load lots, (a) from Milwaukee, Wis.; Newport and Louisville, Ky.; Columbus, Ohio; and St. Louis, Mo., to Plainfield, Ind., restricted to trans-

portation to be performed under continuing contract with Rhoades Beverage Co., Inc.; (b) from Milwaukee, Wis.; Peoria, Ill.; Newport and Louisville, Ky., to Bloomington, Ind., restricted to transportation to be performed under a continuing contract with A–1 Beverage Co., Inc.; and (c) from Columbus, Ohio to Martinsville, Ind. restricted to transportation to be performed under a continuing contract with Morgan County Beverage, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Chicago, Ill.; or Louisville, Ky.

No. MC 134922 (Sub-No. 67), filed March 11, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers' goods, bathroom and lavatory fixtures and supplies* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between Abingdon, Ill., and points in Washington, Idaho, Oregon, California, Nevada, Arizona, New Mexico, Utah, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Little Rock, Ark.

No. MC 134922 (Sub-No. 68), filed March 13, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical appliances, equipment, and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283; and (2) *materials* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), from Americus, Ga., to Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 135425 (Sub-No. 8), filed March 7, 1974. Applicant: CYCLES, LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of power tools and materials, supplies and equipment* used in the conduct of such business (except in bulk), between Hampstead and Easton, Md., Tarboro and Fayetteville, N.C., and Lancaster, Pa., on the one hand, and, on the other, points in Arizona, California, Nevada, and Utah, under contract with The Black and Decker Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136201 (Sub-No. 2) (AMENDMENT), filed October 15, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as amended this issue. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, 2720 Third Avenue North, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed, liquid molasses*, in bulk, in tank vehicles and *beet pulp pellets*, in bulk, between points in Montana and Idaho; (2) *liquid animal feeds, liquid molasses*, in bulk, in tank vehicles and *beet pulp pellets*, in bulk, from points in Montana, to points in North Dakota, South Dakota, and Wyoming; (3) *liquid molasses*, in bulk, in tank vehicles, from East Grand Forks, Crookston, Moorhead, Breckenridge, Appleton, and Renville, Minn., to points in North Dakota; and (4) *liquid molasses*, in bulk, in tank vehicles, and *beet pulp pellets*, in bulk, from Worland, Lovell and Torrington, Wyo., to Billings, Sidney, and Hardin, Mont.

NOTE.—The purpose of this republication is to amend the commodity descriptions and origin and destination points as stated herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136246 (Sub-No. 4), filed March 4, 1974. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from MAPCO Pipeline Terminal, approximately seven miles north of Clay Center, Kans., to points in Nebraska, Missouri and Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Omaha, Nebr.

No. MC 136343 (Sub-No. 26), filed March 5, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Woodpulp board, wrapping paper, and woodpulp*, from the facilities of The Chesapeake Corporation of Va., at West Point, Va., to points in New York, New Jersey, Pennsylvania, Maryland, New Hampshire, Connecticut, Massachusetts, Rhode Island, Delaware, Ohio, Indiana, Illinois, West Virginia, and the District of Columbia; and (2) *equipment, materials, and supplies*, used or useful in the manufacturing of woodpulp board, wrapping paper, and woodpulp, from the above named points to the facilities of The Chesapeake Corporation of Va., at West Point, Va.

NOTE.—Applicant holds contract carrier authority in MC 96098 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 Washington, D.C., or Richmond, Va.

No. MC 136529 (Sub-No. 3), filed February 28, 1974. Applicant: MISSOURI BEEF EXPRESS, INC., P.O. Box 910, Plainview, Tex. 79072. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, 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 in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *such commodities as are used by meat packers in the conduct of their business*, as described in Section D, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Missouri Beef Packers, Inc., at or near Rock Port, Mo., to points in New York, New Hampshire, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Virginia, New Jersey, Maryland, and the District of Columbia, under contract with Missouri Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136711 (Sub-No. 8), filed March 7, 1974. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2840 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in open dump trailers, from points in Oklahoma on and east of U.S. Highway 75, to points in Texas, on, east and north of a line beginning at the junction of U.S. Highway 183, and the Texas-Oklahoma State line, thence south along U.S. Highway 183 to its junction with U.S. Highway 84, at Brownwood, Tex., thence east along U.S. Highway 84 to the Texas-Louisiana State line; and to points in Kansas on and east of U.S. Highway 81.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136989 (Sub-No. 8), filed March 11, 1974. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth NE., Albuquerque,

N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film* (other than cellulose), from the plantsite of Allied Chemical Corp., at or near Pottsville, Pa., to points in California; (2) *synthetic fiber yarn*, (a) from the plantsites of Allied Chemical Corp., at or near Bermuda Hundred, Va., and Moncure, N.C., and (b) from the plantsite of Meadows Industry, at or near Milledgeville, Ga., to points in California; and (3) *synthetic staple fiber*, from the plantsite of Allied Chemical Corp., at or near Irmo, S.C., to points in California, under contract with Allied Chemical Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 138018 (Sub-No. 8), filed March 1, 1974. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, (a) from Brush, Colo., and points in Denver and Jefferson Counties, Colo., to points in Arizona, California, and Nevada; (b) from the plantsite, warehouse, and storage facilities of Pepper Packing Co., located at or near Denver, Colo., to points in California; (c) from the plantsite, warehouse, and storage facilities of York Packing Co., Inc., located at or near York, Nebr., to Denver, Colo., and points in California; and (d) between York, Nebr., and Downs, Kans., (1)(d) above, restricted to traffic originating at and destined to plantsites, warehouses, and storage facilities of York Packing Co., York, Nebr., and Pork Packers International, Inc., Downs, Kans.; (2) *meats, meat products and meat by-products* (except commodities in bulk, in tank vehicles), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from York, Nebr., to El Paso, Tex., and points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington; and (b) from the plantsite of Sigman Meat Company, Inc., located at or near Brush, Colo., to the plantsite of Peyton's Packing Co., Inc., located at or near El Paso, Tex.; (3) *meats, meat products and meat by-products* (except commodities in bulk), 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 Denver and Brush, Colo., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming;

(4) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766: (a) from the plantsite of Sigman Meat Company, Inc., located at or near Brush, Colo., to the plantsite of Glover Packing Company, located at or near Roswell, N. Mex.; and (b) from Brush and Denver, Colo., to Albuquerque, N. Mex.; (5) *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 in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver and Greeley, Colo., to points in Arizona, California, Oregon, Texas, Utah, and Washington; and (6) *rendered lard*, in bulk, in tank vehicles: (a) from Downs, Kans., to York, Nebr.; and (b) from York, Nebr., and Downs, Kans., to Denver, Colo., (1) through (6) above, restricted to traffic originating at the plant sites and other facilities of the shippers with which it now has contracts.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC-124377 (Sub-Nos. 3, 5, 6, 9, 11, 13, 16, 20, 22, and 24), which duplicates the authority sought herein. The purpose of this application is to convert said permits to Certificates of Public Convenience and Necessity. Applicant will surrender said permits concurrently upon approval of this application. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138021 (Sub-No. 2), filed March 7, 1974. Applicant: STAND, INC., Box 57, Port Washington, Ohio 43837. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and pallets*, between Strongsville, Ohio, and points in Guernsey, Noble, Coshocton, and Holmes Counties, Ohio, on the one hand, and, on the other, points in Ohio, Brooke, Marshall, Hancock, Wetzel, Tyler, Pleasants, and Wood Counties, W. Va., under continuing contract with Hinchcliff Products Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 138104 (Sub-No. 10), filed March 5, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock asphalt, hot mix, aggregate, dirt, bulk cement mixed with sand, gravel, gypsum, crushed or ground limestone, sand, cut stone, and rock, clay, shale, crushed bricks and crushed tile, coal, lignite, and clinker*, in bulk, in dump vehicles or in specialized equipment, between points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138313 (Sub-No. 9), filed March 7, 1974. 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) *Building materials* (a) from points in Montana, Oregon, Washington, California, Idaho, Wyoming, Colorado, North Dakota, South Dakota, Iowa, Kansas, Chicago, Ill., and its commercial zone, to ports of entry on the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, and North Dakota, restricted to commodities destined in foreign commerce; and (b) from ports of entry on the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, and North Dakota, to points in Washington, Idaho, Montana, Oregon, California, Wyoming, Colorado, North Dakota, South Dakota, Iowa, Kansas, Chicago, Ill., and its commercial zone, restricted to commodities originating in foreign commerce; (2) *bentonite*, when used as an oil field commodity as defined in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, from Lovell, Wyo., Upton, Wyo., Gascoyne, N. Dak., and Belle Fourche, S. Dak., to ports of entry on the International Boundary line between the United States and Canada, located in Washington, Idaho, and Montana, restricted to commodities destined in foreign commerce; (3) *bentonite*, from Lovell, Wyo., Upton, Wyo., Gascoyne, N. Dak., and Belle Fourche, S. Dak., to ports of entry on the International Boundary line between the United States and Canada, located in North Dakota, restricted to commodities destined in foreign commerce; (4) *mud treating additives*, from Gascoyne, N. Dak., and Lovell, Wyo., to ports of entry on the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, and North Dakota, restricted to commodities destined in foreign commerce; and (5) *foundry molding sand treating compounds, foundation water impedance boards, and nails*, when accompanied with *foundation water impedance boards*, from Belle Fourche, S. Dak., to ports of entry on the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, and North Dakota, restricted to commodities destined in foreign commerce.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Billings, Mont.

No. MC 138336 (Sub-No. 1), filed March 5, 1974. Applicant: CROSSLIN-GRADER CORPORATION, 1022 Sixth Avenue North, Nashville, Tenn. 37208. Applicant's representative: R. Connor

Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry cleaning and laundry equipment, materials, and supplies* (except commodities in bulk and those which by reason of their size or weight require the use of special equipment); and (2) *parts*, for the commodities in (1) above (except commodities which by reason of their size or weight require the use of special equipment), from Louisville, Ky., to points in Georgia, Florida, and Texas, under contract with W. M. Cissell Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 138510 (Sub-No. 5), filed March 4, 1974. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue and Aloe Street, Pomona, N.J. 08240. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to Atlantic City and Wildwood, N.J., under a continuing contract with Atlantic Beverage.

NOTE.—Applicant holds common carrier authority in MC 127955, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138523 (Sub-No. 1), filed February 19, 1974. Applicant: JIMMIE HENSLEY AND JIMMIE D. HENSLEY, doing business as HENSLEY TRUCKING CO., Route 1, Denver, Tenn. 37054. Applicant's representative: Frank L. Hollis, P.O. Box 218, Camden, Tenn. 38320. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mussel shells*, in bulk, from points in Arkansas, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Oklahoma, Wisconsin, Alabama, and Tennessee, to Camden, Tenn.; and (2) *mussel shells*, in bags, from Camden, Tenn., to Mobile, Ala., and New Orleans, La., under contract with Tennessee Shell Company, Inc., restricted to transportation of shipments moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 138743 (Sub-No. 6), filed March 4, 1974. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, conduit, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp., at Waco, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Tennessee, under contract with Certain-Teed Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138743 (Sub-No. 7), filed March 8, 1974. Applicant: SNOWBALL, LTD., a Corporation, 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: *Plastic pipe, conduit, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at McPherson, Kans., to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under contract or contracts with Certain-Teed Products Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138882 (Sub-No. 4), filed March 8, 1974. Applicant: WILEY SANDERS, INC., 212 Oak Street, Troy, Ala. 36081. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonferrous metal scrap* between the plantsite of Southeast Red Metals Company, Inc. located at or near Troy, Ala., on the one hand, and on the other, points in the United States east of Montana, Wyoming, Colorado, and New Mexico; (2) *scrap batteries* from points in the United States east of Montana, Wyoming, Colorado, and New Mexico (except Florida, Georgia, South Carolina, and North Carolina), to the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala.; (3) *pallets*, from the plantsite of Troy Box & Pallet, Inc., at or near Troy, Ala., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico (except Florida, Georgia, South Carolina, and North Carolina); (4) *material and supplies* used and consumed in the processing of lead scrap, from points in the United States east of Montana, Wyoming, Colorado, and New Mexico to the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala.; (5) *processed lead scrap, lead and lead alloys in pigs, hogs, and ingots* from the plantsite of Sanders Lead Company, Inc., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico; and (6) *rough cut lumber* from points in the United States east of Montana, Wyoming, Colorado, and New Mexico, to the plantsite of Troy Box and Pallet, Inc., at or near Troy, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Panama City, Fla., or Mobile, Ala.

No. MC 139192 (Sub-No. 2), filed March 4, 1974. Applicant: JOHN PERRY, doing business as PERRY TRUCKING, 1535 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass parabolic antennas and mounts, parts, accessories, equipment, tools, and supplies*, necessary or incidental to the construction and maintenance and repair thereof, when included in the same vehicle with the antennas, from the plantsite of Prodelin, Inc., at Santa Clara, Calif., to points in Arizona, New Mexico, Texas, Oklahoma, Kansas, Missouri, Illinois, Tennessee, Oregon, Washington, Louisiana, and Arkansas, under continuing contract with Prodelin, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or San Jose, Calif.

No. MC 139416 (Sub-No. 1), filed February 28, 1974. Applicant: J. E. WILLIAMS, doing business as WILLIAMS TRUCKING, 2332 Alderson Avenue, Billings, Mont. 59102. Applicant's representative: J. E. Williams (same address as applicant). Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products and articles distributed by meat packinghouses* (except commodities in bulk and hides) from Billings, Mont., to points in Arizona, California, Idaho, Iowa, Illinois, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wisconsin with *return movements of such articles* as are used by meat packers in the conduct of their business when destined to and for use by meat packers.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 139539 (Sub-No. 2), filed March 7, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. 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 irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation, at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (lower peninsula), and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139615, filed March 7, 1974. Applicant: D.R.S. TRANSPORT, INC., Box 94, Oskaloosa, Iowa 52577. Appli-

cant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and equipment;* (2) *industrial and construction machinery and equipment;* (3) *irrigation equipment;* (4) *drainage systems;* (5) *stump cutters, log splitters, and log chippers;* (6) *tree spades; and* (7) *attachments, and accessories* for commodities in (1) through (6), from Pella, Iowa, to points in Montana, North Dakota, South Dakota, Wyoming, Colorado, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Ohio, restricted to shipments originating at the facilities of Vermeer Manufacturing Co. at or near Pella, Iowa, and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

PASSENGERS APPLICATION (S)

No. MC 290 (Sub-No. 8), filed February 28, 1974. Applicant: JACK RABBIT LINES, INC., 301 North Dakota Avenue, Sioux Falls, S. Dak. 57102. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in special operations, from Sioux Falls, Mitchell, Brookings, Watertown, Aberdeen, Huron, Pierre, and Rapid City, S. Dak., to points in the United States including Alaska but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., Minneapolis, Minn., St. Paul, Minn., or Omaha, Nebr.

No. MC 228 (Sub-No. 74), filed March 7, 1974. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, New Jersey 07403. Applicant's representative: Michael J. Marzano, 17 Academy Street, 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 and newspapers*, in the same vehicle with passengers, Between points in Paramus, N.J.: (1) From junction New Jersey Highway 17 and access roads to Ridgewood Avenue, in Paramus, N.J., over said access roads to Ridgewood Avenue, thence over Ridgewood Avenue to junction Winters Avenue, thence over Winters Avenue to Paramus Park shopping center in Paramus, N.J., and return over the same route, serving all intermediate points; and (2), From junction New Jersey Highway 17 and access roads to Midland Avenue, in Paramus, N.J., over said access roads to Midland Avenue, thence over Midland Avenue to junction From Road, thence over From Road to Paramus Park shopping center, in Paramus, N.J., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 63390 (Sub-No. 17), filed March 7, 1974. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. 19530. Applicant's representative: L. C. Major, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. 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, Between Reading, Pa., and New York, N.Y.: From Reading over U.S. Highway 222 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction of Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Whitehall Township, thence return over Pennsylvania Highway 145 to junction Interstate Highway 78 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway I–9, thence over U.S. Highway I–9 to the New Jersey Turnpike Interchange No. 14, thence over the New Jersey Turnpike to the New Jersey Turnpike Interchange No. 16, thence over Interstate Highway 495 to New York, and return over the same route, serving the intermediate points of Kutztown, Whitehall Township, and Wescosville, Pa.

NOTE.—At the present time, pursuant to the Certificate of Public Convenience and Necessity issued it in Docket No. MC 63390, Sub-No. 15, applicant is authorized to operate over the above-described route, except for that portion over Pennsylvania Highway 145 permiting service to and from Whitehall Township. Therefore, the sole purpose of this application is to add Whitehall Township as an authorized intermediate point. Moreover, in view of this situation, simultaneously with the issuance of the Certificate applied for in this application, applicant requests that the Commission revoke or cancel its present Certificate issue in Docket No. MC 63390, Sub-No. 15. If a hearing is deemed necessary, the applicant requests it be held at either Kutztown or Reading, Pa.

No. MC 63390 (Sub-No. 19), filed March 11, 1974. Applicant: CARL R. BIEBER, INC., Vine and Baldy Street, Kutztown, Pa. 19530. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special ski tour operations, beginning and ending at points in Berks County, Pa., and extending to ski resort areas located at points in Connecticut, New Jersey, New York, New Hampshire, Massachusetts, Maine, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Reading or Kutztown, Pa.

No. MC 108204 (Sub-No. 4), filed February 4, 1974. Applicant: VANCOUVER TOURS AND TRANSIT LIMITED, doing business as VANCOUVER TOURS & TRANSIT LTD., 4971 Still Creek Road, Burnaby 1, Province of British Columbia, Canada. Applicant's representative: J. Stewart Black, No. 64, 1840–160 Street, Surrey, British Columbia V4A 4X4. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at the ports of entry on the International Boundary line between the United States and Canada located in Blaine, Lynden, or Oroville, Wash., and extending to points in Utah, New Mexico, Texas, Louisiana, Mississippi, Alabama, and Florida. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 108531 (Sub-No. 16), filed March 1, 1974. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Chautauqua County, N.Y., and extending to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. Applicant holds contract authority, but indicates dual operations are not involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139601, filed March 4, 1974. Applicant: VALLEY TRANSIT CO., INC., 24 Benjamin Avenue, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at Hazleton, West Hazleton, Conyngham, Sybertsville, Tomhicken, Sugarloaf, Derringer, Fern Glen, Rock Glen, Nuremberg, Weston, and Black Creek (Luzerne County), Pa. and extending to points in New York, New Jersey, Maryland, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hazleton, or Harrisburg, Pa.

No. MC 139631, filed February 11, 1974. Applicant: CANADA WEST COACH LINES LTD., No. 63, 800 Valhalla Place, Kamloops, British Columbia. Applicant's representative: J. Stewart Black, No. 64, 1840–160 Street, Surrey, British Columbia, V4A 4X4. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Passengers and their baggage*, in charter operations, from ports of entry on the International Boundary line between the United States and Canada located in Washington, to points in Washington, Oregon, California, Nevada, and Idaho and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Washington.

BROKER APPLICATION(S)

No. MC 130235, filed March 26, 1974. Applicant: TRANSERV, INC., 9 Overwood Street, Akron, Ohio 44313. Applicant's representative: J. Michael Farrell, 1725 K Street NW., #814, Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, at Akron, Ohio, as a *broker* to sell or offer to sell the transportation of *chemicals and petroleum products*, in bulk in tank vehicles, between points in the United States (except Alaska and Hawaii), by arrangement and coordination of continuous movement shipments of chemicals and petroleum products in bulk in tank vehicles on behalf of shippers. Applicant has concurrently filed a motion that the Interstate Commerce Commission dismiss the application for lack of jurisdiction. Applicant indicates that it is not a freight forwarder under Section 402(a)(5) as it coordinates the coupling of consecutive truckload shipments of its principals' commodities but never consolidates loads of different principals on any one vehicle at the same time. Applicant further indicates that it is not a broker under Section 203(a)(18) within the meaning or interpretation of the Commission in *Nevins Distributors, Inc.—Brokerage Application*, 51 M.C.C. 383 and *Movers Conference of America—Declaratory Order*, 82 M.C.C. 437 as it: (1) Solicits employment and acts as an agent for shippers, not carriers; (2) is compensated by shippers and pays the carriers the full charges applicable under the tariff; (3) does not solicit traffic from motor carriers; (4) contracts participating carriers in the applicable tariff and tenders to such carriers shipments as the consignor; (5) does not supply accessorial services; (6) carries no commodity insurance; and (7) is the consignor, not the shipper, on the bill of lading.

Environmental Impact Statement: Applicant indicates that the granting of this application will have a significant beneficial effect upon the quality of the human environment by: (a) Enabling shippers to obtain a significant reduction in tariff charges due to the carriers ability to eliminate deadhead or empty mileage operations; (b) reducing consumption of diesel fuel, lubricating oil, and rubber and thereby implementing the policies of the Commission in alleviating the energy shortage; (c) curtailing the use of additional petroleum products which would be necessary in the manufacture of transportation equipment and which will be saved by the requested transportation coordination above; and (d) reducing emission of dirt and noise pollutants, traffic congestion and the occasion for accidents. Applicant further indicates that if the Commission dismisses this application for lack of jurisdiction, such a course of action will also have a significant beneficial effect upon the quality of the human environment as applicant will continue to operate in the same manner as requested in this application implementing those savings described in (a) through (d) next above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-8861 Filed 4-17-74;8:45 am]

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PART II

# ENVIRONMENTAL PROTECTION AGENCY

■

# TIMBER PRODUCTS 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 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

On January 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 938), 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 barking, veneer, plywood, hardboard-dry process, hardboard-wet process, wood preserving, wood preserving-steam and wood preserving-boultonizing subcategories of the timber products 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 timber products processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 429. 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 402.

In addition, the 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 barking, veneer, plywood, hardboard-dry process, hardboard-wet process, wood preserving, wood preserving-steam and wood preserving-boultonizing subcategories. 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 Plywood, Hardboard, and Wood Preserving Segment of the Timber Products Processing Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Timber Products Processing Industry (Hardboard, Wood Preserving, Plywood and Veneer)" (August 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.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: EPA, Region X; EPA, Region VIII; U.S. Water Resources Council; L. D. McFarland Company; American Plywood Association; National Forest Products Association; Koppers Company, Inc.; American Hardboard Association; State of New York Department of Environmental Conservation; Abitibi Corporation, Roaring River, North Carolina; Weyerhaeuser Company; American Wood Preservers Association; Society of American Wood Preservers; Maine Department of Environmental Protection; U.S. Plywood; U.S. Department of Commerce; Washington State Department of Ecology and the U.S. Department of the Interior. Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) One commenter indicated that new source performance standards should be no discharge of waste water pollutants for the barking subcategory.

New Source Performance Standards are to be based on the "best available demonstrated control technology, processes, operating methods, or other alternatives." The accomplishment of no discharge from this operation has not been adequately demonstrated. While at least one hydraulic barking operation has achieved almost complete recycle of process water, the system has not been in operation long enough to exhibit the reliability necessary to fulfill the Act's requirements.

(2) Two commenters indicated that the State of Washington is implementing state regulations that result in a more stringent allowable discharge for hydraulic braking operations than presented here.

The limitations presented here are based on a raw waste effluent of about 100 mg/1 BOD5, whereas biological treatment in the State of Washington is usually applied to higher concentration waste waters because of the proximity of other waste water generators, e.g., pulp and paper mills, with higher waste concentrations. Because biological treatment is at least partially concentration dependent, removal efficiency is higher at higher influent concentrations.

(3) Commenters said that the disposal of process waste water into a log pond or mill pond, if available would be a practical method of control.

The regulations promulgated here exclude those facilities that include wet storage and/or handling or part of this normal operating practice. Further data is being developed, and guidelines and standards for these facilities will be established at a later date. For wet storage facilities the disposal of process waste water into a log pond or mill pond is one method of control. It should be noted that the Development Document provides information to show that with reasonable unit operation and process management individual unit operations within the manufacturing process can eliminate the discharge of pollutants, whereas the discharge of pollutants to a pond may result in discharge to navigable waters.

(4) A commenter indicated that it has never been substantiated that log conditioning, veneer dryer washdown and glue equipment clean-up can take place with no discharge of waste water or sludge.

Chapter VII of the Development Document discusses procedures for log conditioning such as indirect steaming, hot water spray systems, and modified steaming. Water requirements for the cleaning of veneer dryers can be reduced significantly by manual preliminary cleaning and the use of air to remove a major part of the waste material. About sixty percent of the plants visited during the development of guidelines and standards have implemented practices that eliminate the discharge of pollutants.

(5) A commenter indicated that recommended control technologies of irrigation, containment, or disposal in a bark incinerator are not the same as zero discharge and seem to indicate that technology does not exist to achieve zero discharge from these operations.

The objective of the Act is eliminate the discharge of pollutants to navigable water if it is achievable under the constraints of BPCTCA, BATEA and/or NSPS. The suggested control techniques do eliminate the discharge of pollutants to navigable waters from specified process waste water flows; even though waste waters are not recycled and must be disposed of, these techniques do eliminate discharges to the navigable waters.

(6) A commenter indicated that "no discharge of waste water pollutants" in some subcategories may be based on requirements of land which is not available to many plants.

In all cases where "no discharge" is specified, the supporting Development Document in Section V presents data showing that the volumes of waste water or sludge either can be eliminated or the amount required to be disposed of is minor (less than 1000 gallons per week). A variety of opportunities for disposal exist. Among these are: Disposal in the hog fuel burner; incorporation into the product; and/or recycling; evaporation; percolation; and disposal in approved landfill facilities, either by the permittee or by contract service.

(7) One comment stated that fire deluge water should be excluded from the regulation presented for the veneer manufacturing subcategory.

Fires are a fairly frequent occurrence in the veneer drying operation and they are, of course, unscheduled. The Agency agrees with this comment and has so modified the regulation. While it was not possible to characterize or quantify this waste water source on a broad based segment of the industry it is acknowledged that it is a potential source of waste water pollutants in the veneer, plywood, and hardboard dry process subcategories and should be considered by the permit issuing authority.

(8) Commenters indicated that the use of ponds and lagoons is not practical in some southern areas and unrealistic when rainfall exceeds evaporation; also, subsurface springs and surface drainage may result in overflow.

Sections VII, IX and XI of the Development Document, describes the use of land disposal techniques for the disposal of waste water. It is appropriate only where the volumes of water requiring disposal are, with reasonable management practices, less than 1000 gallons per week. The use of holding ponds is presented only as an option, not as required technology. The Agency recognizes that this option may not be applicable to all establishments. The use of this option requires judicious water use and good design of water retention facilities and adjacent areas, as well as the control of spills and drainage into holding areas.

(9) Two commenters indicated the cost/benefit analysis method presented is inappropriate because the environmental benefits attributed to such activities are assumed to be commensurate with the cost of compliance.

In establishing as a national goal that the discharge of pollutants into the navigable waters be eliminated by 1985, the Congress made it irrelevant to attempt to quantify total environmental benefits. Accordingly, although costs and associated economic impacts were considered as carefully as possible in arriving at determinations on levels of controls, benefits were primarily expressed as quantities of pollutants removed. As Section IX of the Development Document notes, however, the Agency did consider known health hazards and other environmental damage associated with specific parameters as a factor in selecting the ones to be controlled. It is not possible, however, to quantify specifically these factors.

(10) Comments were received that said, the costs presented in the development document for pollution control activities were unrealistically low, and that operating costs were omitted.

The cost estimates presented in the Development Document were based upon the actual costs of pollution control experienced by the facilities surveyed and upon engineering estimates. All costs were adjusted to 1971 dollars using cost indices. Operating costs were included in the Development Document and were considered in the economic impact study.

(11) Commenters expressed concern that the economic impact study did not consider the costs involved in controlling pollutant discharge from log handling and storage operations.

The regulations promulgated here exclude those facilities that include wet storage and/or handling as part of their normal operating practice. Further data is being developed and guidelines and standards for those facilities will be established at a later date. The impact of implementing the guidelines promulgated here will be considered in the development of future guidelines.

(12) It was reported that costs, as presented in the preamble to the proposed regulation did not accurately reflect the magnitude of actual cost to the dry process hardboard subcategory because they were based on 250 gallons per week.

Fifteen dry process hardboard manufacturing plants were surveyed to determine process water requirements and use, treatment and control technologies and cost information. Although total water use (including cooling water, boiler blowdown, runoff, fire control water) is substantial, the process waste water being controlled is approximately 250 gallons per week. The economic impact study referred to above determined that the implementation of best practicable control technology will result on an annual yearly cost of $0.02 per thousand square feet. The economic impact study anticipates no plant closures by 1977.

(13) Comments were received that the energy requirements included in some treatment and control technologies will be a significant factor in the current energy "crisis."

In all but the hydraulic barking and possibly the wood preserving—Boultonizing subcategories, the percentage of the total process energy requirements related to pollution control is less than one percent. Hydraulic barking operations are usually already tied into treatment systems so additional energy requirements will be minor. Energy usage is discussed in Section VIII of the Development Document.

(14) It was suggested that an allowance be given for the effect of temperature on the efficiency of a biological system.

The effluent limitations as presented in this regulation are based on performance of treatment systems located in northern latitudes as well as southern latitudes. As a result the effects of temperature are taken into account in developing the limitations and therefore no temperature allowance is necessary.

(15) Commenters noted that a procedure or mechanism for handling situations where a number of different timber products processing operations are conducted at the same location is not addressed.

The approach used to develop the effluent limitations for the segments of the timber products processing industry covered by these regulations was to determine the procedures available to reduce the generation of waste water. It was determined that for some subcategories best practicable control technology, best available technology and/or new source performance standards were no discharge of waste water pollutants to navigable water. A "no discharge of process waste water" limitation does allow a plant to discharge waste water to an available treatment system which might be present where a number of timber products processing operations are conducted; however, no credit will be given for the waste water pollutants attributable to the point source categories included in Part 429 that have a no discharge limitation.

(16) Commenters suggested that "guidelines" should be defined as encompassing a range of numbers rather than a specific number. The use of guidelines should also be interpreted to allow plant managers to select the technical approach best meeting their needs.

The present guidelines take differences within an industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the office issuing permits. The 28 industries noted in section 306 of the Act, for example, have already broken some of the broad industrial groups into subgroups such as inorganic chemicals, organic chemicals, petrochemicals, soaps and detergents, fertilizers and rubber. The timber products processing industry has been broken into 8 initial subcategories with 24 sets of limitations. In addition, a second phase of guideline issuance will establish further subcategories. Such division of the industry results in the regulations establishing achievable limitations for all facilities within that subcategory.

(17) Commenters suggested that the use of the "Matrix Method" as proposed by the Effluent Standards and Water Quality Information Advisory Committee would be appropriate for determining effluent guidelines.

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.

(18) Comments were received that indicated that definitions were, in some cases, unclear and that the regulations for each subcategory should more clearly define the flows that are subject to the limitations.

The regulation promulgated below contains expanded special definition sections.

(19) A commenter indicated that the guidelines for a wide spectrum of timber

products processing operations are based on insufficient data.

The data collected and analyzed in the development of these effluent guidelines and standards was from over 50 well operated plants in the various subcategories. It is recognized that there are over 1000 plants in this portion of the industry but overall, only a limited number can be considered to be employing good pollution control techniques and data from all plants was not considered in development of these guidelines. The regulations contain provisions which allow the permittee to declare that there are extenuating circumstances that they should be taken into consideration in the issuance of the permit.

(20) A comment indicated that sources of waste water were excluded or omitted when the requirements for manufacture of dry process hardboard were discussed in the development document.

The only source of process waste water, as defined in the regulation and as discussed in Section V of the Development Document, is caul wash water. The specialized definition section for this subcategory clearly defines the process waste water subject to these regulations. The commenter apparently considered such waters as cooling water, blowdown, sanitary waters, runoff from storage areas as subject to the proposed limitations. These waters are excluded from the regulation.

(21) Commenters suggested that the "hypothesized typical plant" for the hardboard manufacturing facility, as presented in the Development Document does not exist; treatment and control technologies presented are not transferable to any or all sets of conditions; and that the economic viability of the "modernizing engineering" required to make existing plants conform to this typical concept was not considered in the proposed effluent limitations and standards.

It was not suggested that a typical plant, as presented in the Development Document does exist. However, the unit operations required to produce a product are similar in each of the subcategories. In cases where significant differences existed, allowances were made. These operations were considered on the basis of water requirements and waste water generation. They are discussed in detail in Sections V and VII of the Development Document. Discussed in Sections IX, X, and XI of the document is the application of waste water treatment and control technologies to the manufacturing operations. The Agency concluded that the effluent quality levels represented by these regulations can be achieved by plants included in a given subcategory without significant adverse economic impact.

(22) One commenter indicated that the technology presented in the preamble to the proposed regulation was inadequate to achieve the phenol level proposed in the wood preserving-steam subcategory.

Section VII of the Development Document discusses these options in detail. The section of the preamble discussing the subject subcategory did omit a portion of the technologies. Omitted from the preamble was discussion of the "end of pipe" treatment options necessary to achieve BPCTCA levels.

(23) One commenter stated that the preamble to the proposed regulation indicated that waste water from the wood preserving subcategory varies in volume and characteristics, i.e., it cannot be characterized. However, a no discharge of waste water pollutants standard was proposed.

Sections V and VII of the Development Document discuss the volumes of waste water generation and the opportunities for reuse and disposal of this water. As discussed in the document, the volume of water generated and the qualities of this water are such that they can either be reused in the process or can be eliminated. The potential waste water was characterized to the degree necessary to determine that the opportunities available for reuse or disposal would not be interfered with by the waste water's characteristics.

(24) Comments were received that the subcategorization proposed for the wood preserving portion of the industry is not appropriate.

Consideration of the comments received and reevaluation of the information available resulted in adjustments in the definitions of the subcategories and clarifying the inclusion and exclusion of specific wood processing water flows in the regulations.

Applicability sections of the promulgated regulations have been modified, as well as the specialized definition sections.

(25) A verbal comment was received that questioned why the first draft of suggested limitations for the wood preserving segment of the industry included limitations on fluorine, chromium, and arsenic applicable to those plants that treat wood with fluor-chromium-arsenic-phenol solutions but they did not appear in the proposed limitations.

There is not sufficient information available at this time to establish limitations on these parameters. The presence of these pollutants in discharges from the wood preserving-steam subcategory may have an effect on receiving water quality standards and should be considered by permit issuing authorities.

(b) Revision of the proposed regulation prior to promulgation. As a result of public comments continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Sections 429.11, 429.21, 429.31, 429.41, 429.51, 429.61, 429.71 and 429.81 entitled Specialized Definitions now include specific clarifying statements regarding waters subject to these limitations.

(2) Section 429.70 entitled "Applicability; description of the wood preserving-steam subcategory" was expanded to define more clearly the subcategory. After the regulation was proposed, it was determined that six or seven wood preserving plants would not fit into any of the categories as initially defined.

(3) The language of the proposed pretreatment regulations for new sources has been modified to eliminate the requirement for new sources discharging to a publicly owned treatment system to meet the promulgated new source performance standard. However, the Agency anticipates that the regulations being proposed concurrently for pretreatment of existing sources will generate information from commenters regarding §§ 429.64, 429.74, and 429.84 that may result in the modification of these new source pretreatment regulations at a future date.

(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 changes to the regulations mentioned above will have no adverse effects on the conclusions of the economic impact study conducted as part of the effluent guidelines development program. In none of the subcategories for which these limitations apply are the regulations more stringent. The clarification of the definitions of process waste waters for the point sources affected by these limitations will decrease significantly the volume of water requiring treatment or disposal. The change therefore will only result with economic impact being less severe.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the Plywood, Hardboard and Wood Preserving Segment of the Timber Products Processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Plywood, Hardboard, and Wood Preserving Manufacturing Segment of the Timber Products Processing Point Source Category" (December 1973). It is not feasible to quantify in economic terms, particularly 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 Timber Products Processing (Hardboard, Wood Preserving, Plywood & Veneer)" (August 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 Timber Products 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) Solid waste control.

Solid waste control must be considered. The waterborne wastes from the timber products processing industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e. g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) 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 Plywood, Hardboard, and Wood Preserving Segment of the Timber Products Processing Point Source Category," is being published and will soon be available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(g) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 429, Timber Products Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 23, 1974.

Dated: April 8, 1974.

JOHN QUARLES,
*Acting Administrator.*

**Subpart A—Barking Subcategory**

Sec.
429.10 Applicability; description of the barking subcategory.
429.11 Specialized definitions.
429.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.14 Reserved.
429.15 Standards of performance for new sources.
429.16 Pretreatment standards for new sources.

**Subpart B—Veneer Subcategory**

Sec.
429.20 Applicability; description of the veneer subcategory.
429.21 Specialized definitions.
429.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.24 Reserved.
429.25 Standards of performance for new sources.
429.26 Pretreatment standards for new sources.

**Subpart C—Plywood Subcategory**

Sec.
429.30 Applicability; description of the plywood subcategory.
429.31 Specialized definitions.
429.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.34 Reserved.
429.35 Standards of performance for new sources.
429.36 Pretreatment standards for new sources.

**Subpart D—Hardboard-Dry Process Subcategory**

Sec.
429.40 Applicability; description of the hardboard-dry process subcategory.
429.41 Specialized definitions.
429.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.44 Reserved.
429.45 Standards of performance for new sources.
429.46 Pretreatment standards for new sources.

**Subpart E—Hardboard-Wet Process Subcategory**

Sec.
429.50 Applicability; description of the hardboard-wet process subcategory.
429.51 Specialized definitions.
429.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.54 Reserved.
429.55 Standards of performance for new sources.
429.56 Pretreatment standards for new sources.

**Subpart F—Wood Preserving Subcategory**

Sec.
429.60 Applicability; description of the wood preserving subcategory.
429.61 Specialized definitions.
429.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.64 Reserved.
429.65 Standards of performance for new sources.
429.66 Pretreatment standards for new sources.

**Subpart G—Wood Preserving-Steam Subcategory**

Sec.
429.70 Applicability; description of the wood preserving-steam subcategory.
429.71 Specialized definitions.
429.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.74 Reserved.
429.75 Standards of performance for new sources.
429.76 Pretreatment standards for new sources.

**Subpart H—Wood Preserving-Boultonizing Subcategory**

Sec.
429.80 Applicability; description of the wood preserving-boultonizing subcategory.
429.81 Specialized definitions.

Sec.


## Subpart A—Barking Subcategory

### § 429.10 Applicability; description of the barking subcategory.

The provisions of this subpart are applicable to discharges resulting from the barking of logs in preparation for veneer or plywood manufacture.

### § 429.11 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.

(b) Hydraulic barkers shall be defined as wood processing equipment that has the function of removing bark from wood by the use of water under a pressure of 68atm (1000 psi) or greater.

(c) The term cu m of production shall mean the cu m of veneer or plywood produced by the manufacturing facility as the end product as determined by a daily production figure or a 30-day production period.

### § 429.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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.

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:

(a) Subject to the provisions of paragraph (b) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) The following limitations constitute the maximum permissible discharge for those barking processes which utilize hydraulic barkers:

| 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 cubic meter of product) | |
| BOD5 | 1.5 | 0.5 |
| TSS | 6.9 | 2.3 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per cubic foot of product) | |
| BOD5 | 0.09 | 0.03 |
| TSS | .431 | 0.144 |
| pH | Within the range 6.0 to 9.0. | |

### § 429.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

### § 429.14 [Reserved]

### § 429.15 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a new source which utilizes a hydraulic barker(s) 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 cubic meter of product) | |
| BOD5 | 1.5 | 0.5 |
| TSS | 6.9 | 2.3 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per cubic foot of product) | |
| BOD5 | 0.09 | 0.03 |
| TSS | 0.431 | 0.144 |
| TH | Within the range 6.0 to 9.0. | |

### § 429.16 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the barking 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart B—Veneer Subcategory

### § 429.20 Applicability; description of the veneer subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of veneer by those manufacturing facilities that do not store or hold raw materials in wet storage conditions.

### § 429.21 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, 401 shall apply to this subpart.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage), fire control water, and boiler blowdown.

(c) The term "production" shall mean the volume of production in terms of veneer, if that is the final product of that facility, or volume of plywood, if the veneer is further processed into plywood at the same facility.

(d) The term "wet storage" means the holding of unprocessed wood, i.e., logs or round-wood in self contained bodies of water (mill ponds or log ponds) or land storage where water is sprayed or deposited on the wood (wet decking).

### § 429.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, de-

velop 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.

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:

(a) Subject to the provisions of paragraphs (b), and (c) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) The following limitations constitute the maximum permissible discharge for softwood veneer manufacturing processes which use direct steaming for the conditioning of logs:

| 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 cubic meter of product) | |
| BOD5 | 0.72 | 0.24 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per cubic foot of product) | |
| BOD5 | 0.045 | 0.015 |
| pH | Within the range 6.0 to 9.0. | |

(c) The following limitations constitute the maximum permissible discharge for hardwood veneer manufacturing processes which use direct steaming for the conditioning of logs:

| Effluent characteristic | Effluent limitations: Maximum for any 1 day | Effluent limitations: Average of daily values for 30 consecutive days shall not exceed— |
|---|---|---|
| | Metric units (kilograms per cubic meter of product) | |
| BOD5 | 1.62 | 0.54 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per cubic foot of product) | |
| BOD5 | 0.10 | 0.034 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.24 [Reserved]**

**§ 429.25 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.26 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the veneer 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart C—Plywood Subcategory

**§ 429.30 Applicability; description of the plywood subcategory.**

The provisions of this subpart are applicable to discharges resutling from the manufacture of plywood by those manufacturing facilities that do not store or hold raw materials in wet storage conditions.

**§ 429.31 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.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage) and boiler blowdown.

(c) The term "wet storage" means the holding of unprocessed wood, i.e., logs or round wood, in self-contained bodies of water (mill ponds or log ponds) or level storage where water is sprayed or deposited on the wood (wet decking).

**§ 429.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

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.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after applica-

tion of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.34 [Reserved]**

**§ 429.35 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.36 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the plywood 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart D—Hardboard-Dry Process Subcategory

**§ 429.40 Applicability; description of the hardboard-dry process subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of hardboard using the dry matting process for forming the board mat.

**§ 429.41 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage), fire control water, and boiler blowdown.

**§ 429.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

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.

The following limitations establish the quantity or quality of pollutants or pollutant properties 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: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.44 Reserved.**

**§ 429.45 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.46 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the hardboard—dry process 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart E—Hardboard-Wet Process

**§ 429.50 Applicability; description of the hardboard-wet process subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of hardboard using the wet matting process for forming the board mat.

**§ 429.51 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.

(b) Specifically excluded from the term "process waste water" from this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage), and boiler blowdown.

**§ 429.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

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.

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 (kilogram per 1,000 kg of product) | |
| BOD5 | 7.8 | 2.6 |
| TSS | 16.5 | 5.5 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 2,000 lb of product) | |
| BOD5 | 15.6 | 5.2 |
| TSS | 33.0 | 11.0 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations 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 product) | |
| BOD5 | 2.7 | 0.9 |
| TSS | 3.3 | 1.1 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 2,000 lb of product) | |
| BOD5 | 5.4 | 1.8 |
| TSS | 6.6 | 2.2 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.54 [Reserved]**

**§ 429.55 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 product) | |
| BOD5 | 2.7 | 0.9 |
| TSS | 3.3 | 1.1 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 2,000 lb of product) | |
| BOD5 | 5.4 | 1.8 |
| TSS | 6.6 | 2.2 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.56 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the hardboard—wet process 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart F—Wood Preserving Subcategory

**§ 429.60 Applicability; description of the wood preserving subcategory.**

The provisions of this subpart are applicable to discharges resulting from all wood preserving processes in which steaming or boultonizing is not the predominant method of conditioning, all non-pressure preserving processes, and all pressure or non-pressure processes employing water-borne salts in which steaming or vapor drying is not the predominant method of conditioning.

**§ 429.61 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.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage) and boiler blowdown.

**§ 429.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

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 discharged 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.

The following limitations establish the quantity or quality of pollutants or pollutant properties 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: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.64 [Reserved]**

**§ 429.65 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

**§ 429.66 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307

(c) of the Act for a source within the wood preserving 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

### Subpart G—Wood Preserving-Steam Subcategory

**§ 429.70 Applicability; description of the wood preserving-steam subcategory.**

The provisions of this subpart are applicable to discharges resulting from wood preserving processes that use direct steam impingement on the wood as the method of conditioning, discharges resulting from wood preserving processes that use vapor drying as a means of conditioning any portion of their stock, discharges that result from direct steam conditioning wood preserving processes that use fluor-chromium-arsenic-phenol treating solutions (FCAP), discharges resulting from direct steam conditioning processes and procedures where the same retort is used to treat with both salt-type and oil type preservatives, and discharges from plants which direct steam condition and apply both salt type and oil type treatments to the same stock.

**§ 429.71 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.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage), and boiler blowdown.

**§ 429.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

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.

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 m³ of product) | |
| COD | 1,100 | 550 |
| Phenols | 2.18 | .65 |
| Oil and grease | 24.0 | 12.0 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 1,000 ft³ of product) | |
| COD | 68.5 | 34.5 |
| Phenols | .14 | .04 |
| Oil and grease | 1.5 | .75 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations 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 m³ of product) | |
| COD | 220 | 110 |
| Phenols | .21 | .064 |
| Oil and grease | 6.9 | 3.4 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 1,000 ft³ of product) | |
| COD | 13.7 | 6.9 |
| Phenols | .014 | .004 |
| Oil and grease | .42 | .21 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.74 [Reserved]**

**§ 429.75 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 m³ of product) | |
| COD | 220 | 110 |
| Phenols | .21 | .064 |
| Oil and grease | 6.9 | 3.4 |
| pH | Within the range 6.0 to 9.0. | |
| | English units (pounds per 1,000 ft³ of product) | |
| COD | 13.7 | 6.9 |
| Phenols | .014 | .004 |
| Oil and grease | .42 | .21 |
| pH | Within the range 6.0 to 9.0. | |

**§ 429.76 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the wood preserving—steam 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

### Subpart H—Wood Preserving-Boultonizing Subcategory

**§ 429.80 Applicability; description of the wood preserving-boultonizing subcategory.**

The provisions of this subpart are applicable to discharges resulting from

wood preserving processes which use the boultonizing process as the method of conditioning.

§ 429.81 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.

(b) Specifically excluded from the term "process waste water" for this subpart are cooling water, boiler blowdown, and material storage yard runoff (either raw material or processed wood storage).

§ 429.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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.

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: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations 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: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.84 [Reserved]

§ 429.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.86 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the wood preserving-boultonizing 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 for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

[FR Doc.74-8565 Filed 4-17-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### [ 40 CFR Part 429 ]

### PRETREATMENT STANDARDS FOR INCOMPATIBLE POLLUTANTS FOR THE TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

#### Proposed Application of Effluent Limitations Guidelines for Existing Sources

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 429—Timber Products 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 barking, veneer, plywood, hardboard-dry process, hardboard-wet process, wood preserving, wood preserving-steam and wood preserving-boultonizing subcategories of the timber products 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 429) 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 section 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 cotrol technology currenty 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 guideline for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.* (Emphasis in italic).

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 the application of those 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 429.15, 429.25, 429.35, 429.45, 429.55, 429.65, 429.75, and 429.85 of the proposed regulation for point sources within the barking, veneer, plywood, hardboard-dry process, hardboard-wet process, wood preserving, wood preserving-steam and wood preserving-boultonizing subcategories (January 3, 1974; 38 FR 938), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 429.16, 429.26, 429.36, 429.46, 429.56, 429.66, 429.76, and 429.86 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 Plywood, Hardboard and Wood Preserving Segment of the Timber Products Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Timber Processing Industry" (August 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 SW., 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 effects 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 this material, 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 timber 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 timber products. The two reports exceed, in the aggregate, 400 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 timber products processing point source category (39 FR 938; January 3, 1974). 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 429) 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 barking, veneer, plywood, hardboard-dry process, hardboard-wet process, wood preserving, wood preserving-steam and wood preserving-boultonizing subcategories, 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.

As discussed in the Development Document, the process waste waters from the barking, veneer, plywood, hardboard-dry process, and hardboard-wet process subcategories contain biochemical oxygen demand, solids, and organic materials. Except for variations in amounts and concentrations, the process waste waters are similar. The process waste waters from each of these subcategories are treatable by biological methods. In the opinion of EPA suitable design and capacity can be provided for a publicly owned treatment works to effectively treat these waste waters. In this regard, all pollutants in these process waste waters controlled by the effluent limitations guidelines for best practicable control technology currently available are not incompatible as defined in 40 CFR Part 128. Accordingly, the first option should be applicable and the guidelines should not apply to operations in the barking, veneer, plywood, hardboard-dry process, and hardboard-wet process subcategories of the timber products processing industry which discharge to publicly owned treatment works.

The wood preserving, wood preserving-steam, and wood preserving-boultonizing subcategories waste waters may contain pollutants such as heavy metals, phenols, and/or oil and grease that could interfere with the operation of a publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, such process waste waters shall be required to meet the limitations presented in §§ 429.62, 429.72, and 429.82.

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 are 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 are 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 SW., 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 429 be amended to add §§ 429.14, 429.24, 429.34, 429.44, 429.54, 429.64, 429.74, and 429.84 as set forth below. All comments received on or before May 20, 1974, will be considered.

Dated: April 8, 1974.

JOHN QUARLES,
*Acting Administrator.*

1. Subpart A is amended by adding § 429.14 as follows:

**§ 429.14 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 § 429.12 shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works.

2. Subpart B is amended by adding § 429.24 as follows:

**§ 429.24 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this title, the effluent limitations guidelines set forth in § 429.22 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.

3. Subpart C is amended by adding § 429.34 as follows:

**§ 429.34 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this title the effluent limitations guidelines set forth in § 429.32 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.

4. Subpart D is amended by adding § 429.44 as follows:

**§ 429.44 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this title the effluent limitations guidelines set forth in § 429.42 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.

5. Subpart E is amended by adding § 429.54 as follows:

**§ 429.54 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this title the effluent limitations guidelines set forth in § 429.52 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.

6. Subpart F is amended by adding § 429.64 as follows:

**§ 429.64 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 above, the effluent limitations guidelines set forth in § 429.62 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be intro-

duced into a publicly owned treatment works, except in compliance with such limitations.

7. Subpart G is amended by adding § 429.74 as follows:

**§ 429.74 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 § 429.72 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

8. Subpart H is amended by adding § 429.84 as follows:

**§ 429.84 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this title, the effluent limitations guidelines set forth in § 429.82 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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