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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 2770..... Pub. Law 93-274
 Uniformed services, medical officers, revised pay structure (May 6, 1974; 88 Stat. 94)
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
National Aeronautics and Space Administration

Section 213.3348 is amended to reflect the following title change: from Associate Administrator for Organization and Management to Associate Administrator for Center Operations.

Effective May 15, 1974, § 213.3348(t) is amended as set out below.

§ 213.3348 National Aeronautics and Space Administration.

(t) Associate Administrator for Center Operations.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
 to the Commissioners.*

[FR Doc.74-11159 Filed 5-14-74;8:45 am]

Title 7—Agriculture
AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE
PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Frozen Asparagus

A notice of a proposal to amend the United States Standards for Grades of Frozen Asparagus (7 CFR 52.381-52.395) was published in the FEDERAL REGISTER of September 11, 1973 (38 FR 24910). Interested persons were given until October 31, 1973, to submit written comments concerning the proposed amendment. As a result of requests that were received, the Department, in a notice published in the FEDERAL REGISTER (39 FR 1053), extended the period of comment until February 28, 1974.

This amendment is issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. Grades to designate different levels of quality for voluntary use by producers, buyers,

and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the amendment of the standards. The amendment reclassifies a unit of product with tough fiber from a "minor" to a "major" defect. Such reclassification would noticeably reduce the amount of tough fiber that would be permitted in U.S. Grade A and U.S. Grade B frozen asparagus. The request to amend the standards was formally made by the American Frozen Food Institute (AFFI).

Thirteen written responses were received, one which was from the Food and Drug Administration stating that they had no formal comment to make.

Four comments from consumers fully supported the amendment.

The AFFI (representing a substantial number of frozen asparagus packers in the United States) reaffirmed their support to the amendment and of attribute-type standards. AFFI points out that the elimination of tough fiber from the "minor" classification would reduce the maximum possible amount of tough fiber in U.S. Grade A frozen asparagus from an Acceptable Quality Level (AQL) of 15.0 to 6.5.

The American Farm Bureau Federation requested a postponement of the amendment " * * * until differences in the probable impact of these proposals on the different U.S. production areas can be thoroughly analyzed to determine whether modifications are needed in order to provide equitable treatment for all areas and to avoid a reduction in the supplies available to consumers."

The Department contends there is no useful purpose in postponing the amendment pending an analysis of production area capabilities. Extensive studies were conducted in all producing areas prior to the revision of April, 1970. It is difficult to assure "equity" between and even within producing areas since asparagus is so sensitive to weather conditions. It seems more logical to base the grade requirements on what the market will tolerate for the respective grade, irrespective of growing area. The Department does not believe the proposed amendment will reduce overall supplies

available to the consumer, even though it will reclassify product with too much tough fiber into a lower grade.

A processor of frozen asparagus contended that a portion of his 1973 pack would have been downgraded from U.S. Grade A to U.S. Grade B if the pack had been graded under the provisions of the proposed amendment.

The Department does not disagree with this statement. Undoubtedly the portion of the 1973 pack referred to did contain substantial amounts of fiber. It is the intent of the proposal to eliminate this type of product from the Grade A classification.

Five comments were received from growers and packers of asparagus in the Michigan area. Their consensus was that the amendment is discriminatory in that the revision would permit lesser amounts of tough fiber in U.S. Grade A frozen asparagus than in U.S. Grade A canned asparagus.

The standards for canned asparagus and frozen asparagus cannot be compared objectively to ascertain the effects of fiber on the final grade of the product. This situation exists because each standard treats product characteristics differently. Assuming that the raw material (fresh asparagus) has a normal distribution of imperfections—whether fiber development, pathological defects, open heads, etc.—the proposed revision would permit less fiber in the frozen product in Grades A and B than in the canned product. It would be desirable if both standards would treat fiber identically. However the Department should not disregard the request of the frozen food industry for a better product just because the canned standard is different. In fact, these differences have existed for several years. Therefore, the Department believes the interests of the frozen food industry would best be served by adopting the proposed amendment.

No additional comments were received. After careful consideration of all relevant matters, the Department concludes that the amendment shall become effective.

Therefore, the United States Standards for Grades of Frozen Asparagus are hereby amended as proposed on September 11, 1973. The amendment is:

Table V is revised to read as follows:

TABLE V.—Classification of defects, character—damage

Quality factors	Defects	Classification		
		Minor	Major	Severe
Character	Spears and tips styles:			
	In Grade A only—			
	Reasonably well developed (worse than Plate 1 but not worse than Plate 2 or 3).		X	
	In all grades—			
	Poorly developed (worse than Plate 2 or 3):			
	Seedy		X	
	Flowered			X
	Cut spears or cuts and tips style:			
	In all grades—			
	Poorly developed (worse than Plate 2 or 3):			
Seedy	X			
Flowered		X		
Tough fiber development:				
2 inches or less		X		
More than 2 inches or woody units of any length			X	
Damage	Shattered heads—broken or shattered to the extent that it is definitely noticeable.	X		
	Misshapen—badly crooked or affected in appearance by doubles or malformations.	X		
	Poorly cut—angle of cut less than 45 degrees—cut is ragged or partially cut.	X		
	Discoloration, mechanical injury, pathological or damaged by other means to the extent that the appearance and eating quality of a unit is affected:			
	Slightly	X		
	Materially		X	
	Seriously			X

For interpretative guides, see USDA illustrations of "Stages of Development in Frozen Asparagus," which are a part of this document.

Effective date. The amendment to the United States Standards for Grades of Frozen Asparagus, which have been in effect since April 8, 1970, shall become effective June 30, 1974.

Dated: May 8, 1974.

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

[FR Doc.74-11089 Filed 5-14-74;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

EXEMPTED ARTICLES

Correction

In FR Doc. 74-10160 appearing on page 15404 in the issue of Friday, May 3, 1974, the second line of § 301.45-2b(c) reading "have dried, pressed, waxed, lacquered," should read "have been dried, pressed, waxed, lacquered."

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Authority of Special Inquiry Officers

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on March 20, 1974 (39 FR 10436) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment of § 242.8(a) pertaining to the authority of

special inquiry officers to consider, in deportation proceedings, claims for relief from deportation under Articles 32 and 33 of the Convention Relating to the Status of Refugees, as amended by the Protocol Relating to the Status of Refugees. The representation which was received in response to the proposed rule of March 20, 1974 has been considered. No change has been made in the proposed rule.

Although it has been the Service view that in deportation proceedings conducted under the present regulations special inquiry officers have authority, as an incident of determining deportability, to dispose of any contentions invoking Articles 32 and 33 of the Convention Relating to the Status of Refugees, litigants have questioned that interpretation of the regulations. In order to remove such doubts and to end unnecessary litigation, the proposed amendment to § 242.8(a) is being adopted so that such authority will be expressly stated. The adoption of the proposed amendment is not intended as a concession that in any particular situation Article 32 or 33 enlarges or adds to the rights of an alien under the immigration laws of the United States.

The proposed rule as set out below is hereby adopted:

In § 242.8(a), the first sentence is amended. As amended, § 242.8(a) reads as follows:

§ 242.8 Special Inquiry Officers.

(a) *Authority.* In any proceeding conducted under this part the special inquiry officer shall have the authority to determine deportability and to make decisions, including orders of deportation as provided by section 242(b) of the Act; to consider claims for relief from deportation under Articles 32 and 33 of the Convention Relating to the Status of Refugees, as amended by the Protocol Relating to the Status of Refugees; to reinstate orders of deportation as provided by section 242(f) of the Act; to determine

applications under sections 244, 245, and 249 of the Act; to determine the country to which an alien's deportation will be directed in accordance with section 243(a) of the Act; to order temporary withholding of deportation pursuant to section 243(h) of the Act, and to take any other action consistent with applicable provisions of law and regulation as may be appropriate to the disposition of the case. A special inquiry officer shall have authority to certify his decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact. Nothing contained in this part shall be construed to diminish the authority conferred on special inquiry officers by the Act.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Effective date. This order shall become effective June 14, 1974.

Dated: May 9, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of
Immigration and Naturalization.

[FR Doc.74-11162 Filed 5-14-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WA-13]

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

Designation of Additional Control Area

Correction

In FR Doc. 74-10333 appearing at page 15383 in the issue of Friday, May 3, 1974, make the following change.

The amendment to § 71.163—"Control 1180," on page 15384, is changed by deleting the 12th line, "radial at Lat. 39°50'00" N., Long. 70°00'00" and substituting for it "cle centered on the Kennedy VORTAC 104".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 10—DEFINITIONS AND STANDARDS FOR FOODS

"Safe and Suitable" Food Ingredients; General Definition

In the FEDERAL REGISTER of April 26, 1973 (38 FR 10274), the Commissioner of Food and Drugs proposed a new § 10.1 (d) (21 CFR 10.1(d)) which defines the phrase "safe and suitable" as it describes food ingredients. This phrase has been variously defined in numerous food standard regulations, and it was the intent of the Commissioner in his proposal to avoid repeating the same or similar definitions in every individual food standard in the future where it might be applicable.

Six comments were received representing one consumer, one consumer organization, one industry representative, and three trade associations. The issues raised and the Commissioner's conclusions are as follows:

1. One comment asked if the proposed 21 CFR 10.1(d) supersedes 21 CFR 121.1 and 121.3 amendments which were promulgated in the FEDERAL REGISTER of June 25, 1971 (36 FR 12093).

The Commissioner has previously concluded in 21 CFR 10.1(c) that "No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the act shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding." New § 10.1(d) complements 21 CFR Parts 121 and 8, which were promulgated under sections 409 and 706 of the act, respectively, by proposing a definition that incorporates the provisions of the regulations in Parts 121 and 8 in the specific area of food standards. Therefore, the "safe and suitable" definition does not supersede 21 CFR 121.1 and 121.3.

2. One comment stated that it is inappropriate to omit from consideration the "safe and suitable" definition from future individual food standard making procedures.

The Commissioner concludes that there is no advantage to repeatedly define certain terms, such as "safe and suitable," which appear in many individual food standards. In the process of promulgating food standard regulations, all ingredients will be considered under the "safe and suitable" definition. Those ingredients which are deemed not suitable for a particular product will be excluded from the standard, as exemplified in 21 CFR 16.15, 28.1, and 36.30.

3. Two comments stated that the proposed definition is too broad to be enforceable.

The Commissioner concludes that the proposed definition has the effect of requiring that all ingredients which are deemed "safe and suitable" be generally recognized as safe (GRAS), subject to a prior sanction, or used in conformity with an established food or color additive regulation. Sections 409 (b) and (c) of the act require that the data which are submitted in support of the issuance of a food additive regulation must prove that the additive would accomplish its intended physical or other technical effect in the amount specified. Similar requirements are in effect for color additives in section 706 (b) of the act. Section 121.101 (b) (1) requires that the GRAS substances added to a food do not exceed the amount reasonably required to accomplish their intended physical, nutritional, or other technical effect. Therefore, the Commissioner does not agree that the proposed definition for "safe and suitable" is too broad to be enforceable, since an ingredient which is used under this definition must be safe

and perform an appropriate function in the food, and cannot be used in amounts greater than necessary to achieve the desired effect in the food.

4. One comment stated that whether an ingredient performs an "appropriate" function in the food is largely a subjective evaluation, depending upon the attitudes of the person making the judgment. The comment recommended that the proposed terminology be changed from the word "appropriate" to the word "useful" in describing the function an ingredient shall perform. The comment stated that such a change would provide a more objective evaluation of functional performance.

The Commissioner disagrees with the comment and concludes that the word "appropriate" goes beyond the scope of the meaning of the word "useful" by including the connotation of "legitimate usefulness". The Commissioner further concludes that use of the word "appropriate" to describe the functional performance of an ingredient in a particular food product will promote honesty and fair dealing in the interest of consumers.

5. One comment expressed concern that certain food additives and color additives containing coal tar derivatives could be described as "safe and suitable" ingredients in future food standards. The person who submitted the comment stated that he was allergic to these ingredients and, consequently, they could not be deemed "safe" for him. The comment requested that these additives be listed on the label of the food products in which they are used.

The Commissioner has concluded that, since the label of foods must show when colors, spices, or flavorings are used, individuals are given notice that such ingredients are present, and they should exercise caution to protect themselves when they are aware of their sensitivity to certain ingredients. The food and color additives which may be permitted by food standards are regulated or certified for conditions of safe usage under regulations established pursuant to the act or are generally recognized as safe. The Commissioner does not have the authority to require the label declaration of specific colorings, spices, or flavorings. The Federal Food, Drug, and Cosmetic Act exempts spices, flavorings, and colorings, other than those sold as such, from being declared on the label by their common or usual names.

Accordingly, having reviewed the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal, as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(a), 52 Stat. 1046, as amended by 70 Stat. 919, 52 Stat. 1055; 21 U.S.C. 341, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That 21 CFR 10.1 be amended by adding a new paragraph (d) to read as follows:

§ 10.1 Definitions and interpretations.

(d) "Safe and suitable" means that the ingredient:

(1) Performs an appropriate function in the food in which it is used.

(2) Is used at a level no higher than necessary to achieve its intended purpose in that food.

(3) Is not a food additive or color additive as defined in section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act as used in that food, or is a food additive or color additive as so defined and is used in conformity with regulations established pursuant to section 409 or 706 of the act.

Effective date. This order shall become effective on June 14, 1974.

(Secs. 401, 701(a), 52 Stat. 1046, as amended by 70 Stat. 919, 52 Stat. 1055; (21 U.S.C. 341, 371(a).))

Dated: May 8, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-11170 Filed 5-14-74;8:45 am]

PART 135—NEW ANIMAL DRUGS
Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-599V) filed by Agricultural Processing Corporation, 225 Alabama St., P.O. Box 845, Salem, VA 24153, proposing the safe and effective use of premixes containing monensin sodium and 3-Nitro-4-hydroxyphenylarsonic acid for use in manufacturing broiler chicken feed. The application is approved.

To facilitate referencing, Agricultural Processing Corporation is being assigned a code number and added to the firms listed in § 135.501(c) (21 CFR 135.501 (c)).

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

1. Part 135 is amended in § 135.501 by adding a new code number 110 to paragraph (c), as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

Code No.	Firm name and address
110	Agricultural Processing Corp., 225 Alabama St., P.O. Box 845, Salem, VA 24153.

2. Part 135e is amended in § 135e.50 by adding thereto a new paragraph (b) (6) as follows:

§ 135e.50 Monensin: monensin sodium.

(b) * * *

(6) Premix level of 11.786 grams per pound of monensic acid activity from monensin sodium with 1.063 percent 3-Nitro-4-hydroxyphenylarsonic acid; premix level of 22 grams per pound of monensic acid activity from monensin sodium with 1.98 percent 3-Nitro-4-hydroxyphenylarsonic acid has been granted: For the sponsor see code No. 110 in § 135.501(c) of this chapter.

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

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: May 9, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc. 74-11169 Filed 5-14-74; 8:45 am]

SUBCHAPTER B—FOOD AND FOOD ADDITIVES

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

**Tetracycline Oral Veterinary
Correction**

In FR Doc. 74-6136 appearing at pages 9933-9935 in the issue of Friday, March 15, 1974 make the following changes:

1. In § 135c.121(e), the table entries should be numbered from 1 to 8 consecutively.
2. In § 135c.122(e), the table entries should be numbered from 1 to 3 consecutively.
3. In § 135c.123(e), the table entries should be numbered 1 and 2 consecutively.
4. In § 135c.124(e) the table entry should be preceded by the figure 1.
5. In § 135c.125(e) the table entries should be numbered 1 and 2 consecutively.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 17—RECORDKEEPING

Subpart A—Recordkeeping Requirements and Retention Schedules for Federal-Aid Highway Records of State Highway Departments

ELIGIBILITY FOR FEDERAL AID CRITERIA

A Federal Highway Administration (FHWA) directive, Policy and Procedure Memorandum 30-9, has heretofore set forth the Federal-aid provisions applicable to recordkeeping and retention schedules for Federal-aid highway records of State highway departments. That directive was predicated upon 23 CFR 1.30, "Records and Documents."

The directive has been revised for addition to the Federal-Aid Highway Program Manual as Volume 1, Chapter 6, Section 2. Inasmuch as the Manual addition directly advises the State highway departments as recipients of Federal-aid highway funds of the necessity for recordkeeping as a condition of eligibility for Federal-aid reimbursement under the provisions of Title 23, United States Code, "Highways," those requirements are hereby published.

This matter relates to and involves agency management in a grant program within the purview of 5 U.S.C. 553(a) (2), thus general notice of proposed rulemaking is not required, and the regulations will be effective on the date of issuance set forth below.

The citation of 23 CFR 1.30 appearing in the FEDERAL REGISTER of March 21, 1974 (page 10824, Vol. 39, No. 56), with respect to Record Retention, Federal Highway Administration, in § 2.1, is amended to read: 23 CFR, Part 17.

Issued on May 6, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

§ 1.30 [Revoked]

1. Section 1.30, Title 23, CFR, is hereby revoked.

2. Part 17 of 23 CFR is added to read as follows:

Sec.

- 17.101 Purpose.
- 17.102 Applicability.
- 17.103 Waivers.
- 17.104 Definition of terms.
- 17.105 Retention Schedules for Federal-Aid Highway Records of State Highway Departments.
- 17.106 Authorization to Microfilm Records.
- 17.107 Microfilm Standards to be Applied.

Appendix A—Retention Schedules.

AUTHORITY: 23 USC 315, 49 USC 1655, and the delegation of 49 CFR 1.48.

§ 17.101 Purpose.

The regulations in this subpart A prescribe the recordkeeping requirements and retention schedules for State highway departments concerning the nature and extent of documentation required by the Federal Highway Administration (FHWA) for States to be eligible for Federal-aid reimbursement under the provisions of Title 23, United States Code, "Highways."

§ 17.102 Applicability.

(a) *Project-related records.* The records defined in § 17.104(a) and listed in Appendix A hereto are to be maintained or caused to be maintained by the State. Complete project documentation and maintenance of adequate records (including source data) to support a State's claim for reimbursement is the responsibility of the State highway department. These State records are subject to the provisions of this directive.

(b) *Railroad, utility or other third party project records.* Where records pertaining to Federal-aid highway matters are generated by third parties, it is

the State's responsibility to clearly define the FHWA records retention requirements in agreements or subcontracts and to insure that they are complied with. Where reimbursement is requested, the costs incurred by railroads, utilities and other third parties are subject to examination and audit by the State and Federal Governments. To accomplish this, the records and accounts therefor will be made available for examination by representatives of the State and Federal Governments for a period of not less than 3 years from the date final payment has been received by the railroad, utility or other third party.

(c) *Toll facilities records.* Where Federal funds participate in a project for the construction of a toll bridge, toll tunnel, or approach to a toll facility, the State highway department shall maintain or cause to be maintained all records (including source data) set forth in Appendix A. Such records shall be retained until the facility shall have been operated on a toll-free basis for a period of at least 3 consecutive years.

(d) *State and Community Highway Safety Programs.* This directive does not apply to recordkeeping requirements of the State and Community Highway Safety Programs.

(e) *Federal records.* Federal records are those which document the Federal function of administering Federal-Aid Highway Programs. These records are maintained by FHWA offices and are not subject to provisions of this subpart A but are controlled by the authorized FHWA records schedules contained in Volume 34, Chapter IX, of the FHWA Administrative Manual.

(f) *Availability for inspection.* Records and source data maintained under §§ 17.102(a) and 17.102(b) shall be available at all reasonable times for inspection by any authorized representative of the Federal Government and copies thereof shall be furnished when requested.

§ 17.103 Waivers.

No waiver from any provision of this subpart A will be granted by the Federal Highway Administrator without full justification by the State highway department. Each written request from a State highway department for a waiver shall demonstrate that unusual circumstances warrant a departure from the prescribed minimum records retention period, procedures or techniques, or that compliance with the retention schedule would impose an unreasonable burden upon the State or contractor. The granting of a waiver is expressly reserved to the Federal Highway Administrator and shall be contingent upon his determination that the waiver requested is in the public interest.

§ 17.104 Definition of Terms.

(a) *Records.* Includes all accounts, papers, maps, photographs, or other documentary materials regardless of physical form or characteristics, made or

received by any agency, firm, or individual in connection with the transaction of Federal-aid highway business and preserved or appropriate for preservation as evidence of their organization, functions, policies, decisions, procedures, and operations or because of the informational value of data contained therein.

(b) *Retention period.* The minimum period of time records are required to be held. State highway departments may hold records for longer periods of time if they desire.

(c) *Final voucher.* Refers to the final voucher submitted by the State to FHWA with respect to a particular project.

§ 17.105 Retention Schedules of Federal-Aid Highway Records for State Highway Departments.

(a) *General.* Federal-aid project and project-related records shall be retained by State highway departments in accordance with the records retention schedule established by the Federal Highway Administrator in Appendix A. These record-keeping requirements have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 (OMB No. 04-R2296). The schedule provides for:

(1) The standard 3 years after submission of final voucher retention period for those records which are Federal-aid project oriented.

(2) A 3 year retention period which may expire earlier than the 3 years after submission of final voucher period for certain cost accounting and fiscal type files which usually relate to more than one project and are not project oriented. The retention period for these records shall be calculated from the end of the fiscal or calendar year, as appropriate, in which an entry is made. Where there is a series of such entries involving a specific record, the retention period shall be calculated from the end of the year in which the final entry is made.

(b) *Applicability.* Compliance with the retention requirements of Appendix A does not relieve a State or contractor from retaining any records for whatever longer periods may be required by any other applicable contract clause or lawful requirement, e.g., regulations of U.S. Department of Labor or Internal Revenue Service.

(c) *Request for records disposition.* Each State shall request final clearance from the FHWA division engineer for each category of record, prior to the application of the retention provisions of Appendix A designated as "3 years from end of fiscal or calendar year, as appropriate, in which an entry is made." Such final clearance from the division engineer will be contingent upon the completion of audit and the clearance of any and all questions raised thereto. If a claim, investigation or litigation is pending after submission of the final voucher, or payment of any amount claimed is suspended by the division engineer, the retention period will not begin until final settlement of the claim,

investigation or litigation, or approval of payment for amounts suspended.

§ 17.106 Authorization To Microfilm Records.

State highway departments are authorized to use computer output microfilm or to substitute microfilm for original Federal-aid highway records in accordance with the standards prescribed in § 17.107.

§ 17.107 Microfilm Standards To Be Applied.

(a) *Original documents exclusive of computer output microfilm records.* (1) Prior to microfilming, the original documents shall be prepared, arranged, classified, and indexed so as to readily permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the records which photography would not clearly reflect (e.g., that the record is a copy or that certain figures thereon are in color) shall be indicated on the records at the time of such arrangement, classification, and identification. When a number of records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of film or group of aperture cards instead of on each individual record. Any notations on the face or reverse side of any document shall be photographed and identified as forming an integral part of the original document.

(2) Each roll of film or group of aperture cards shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile re-

productions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(3) The photographic matter on each roll or group of aperture cards shall begin and end with a statement as to the nature and order of arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll or listed at the beginning of the group of aperture cards, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(4) All film stock shall be approved permanent-record microfilm type either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturer's mark, a solid triangle after the word "safety" in the edge of the film.)

(b) *Reproduction and indexing.* (1) All microfilm records shall be such that clearly readable hard copy (paper) reproductions can be made during the periods prescribed in the records schedule for the retention of the records concerned.

(2) The microfilm records shall be indexed and retained in such manner as will render them readily accessible and identifiable.

APPENDIX A—RETENTION SCHEDULES OF FEDERAL-AID HIGHWAY RECORDS FOR STATE HIGHWAY DEPARTMENTS

The project related records listed in this appendix are to be maintained or caused to be maintained by the State for the periods designated.

Project records (filed or identified by project)

<i>Category of records</i>	<i>Minimum retention period</i>
1. Program documents.....	3 years after submission of the final voucher for last project programed.
2. Project agreements.....	3 years after submission of the final voucher for a project.
3. Letters of authority or notices to proceed.....	Do.
4. Plans, specifications and estimates (PS&E).....	Do.
5. Contract records, including: Performance and payment bonds, prequalifying prospective bidders, licensing contractors, advertising bids, engineer's estimates, bid openings tabulations, award of contract and concurrence, agreement estimates, anticollusion certification for force account construction, and any similar records considered necessary to document the contract.	Do.
6. 3d party contracts or agreements.....	Do.
7. Supplemental agreements.....	Do.
8. Change or extra work orders.....	3 years after submission of the final voucher for a project.
9. Stop and start work orders.....	Do.
10. Right-of-way maps, construction plans and changes—tracings—Shop drawings, working drawings—prints.	Do.
11. Project diaries and/or journals.	Do.
12. Field notes and computation books including final quantity books, summary books or records.	Do.

Category of records	Minimum retention period	Category of records	Minimum retention period
13. Records and reports of materials used such as: Haul tickets, truck delivery tickets, weight tickets, daily water reports, daily rolling reports, and similar records.	3 years after submission of the final voucher for a project.	<i>Financial and accounting records (filed by fiscal or calendar year, as appropriate)</i> 1. Accounts receivable invoices, adjustments to the accounts, invoice registers, carrier freight bills, shipping orders, or other documents which detail the material or services billed on the related invoices.	3 years from end of fiscal or calendar year, as appropriate, in which an entry is made.
14. Supplies and equipment records such as: mill shipping records, bills of lading, supplier's invoices, certificate of materials for manufactured items, and similar records.	Do.	2. Material work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies.	Do.
15. Inspection reports.	Do.	3. Cash advance recapitulations, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses.	Do.
16. Materials test reports.	Do.	4. Paid, canceled, and voided checks, other than those issued for the payment of salary and wages.	Do.
17. Progress and final pay estimates.	Do.	5. Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services containing originals or copies of the following and related documents: Remittance advices and statements, vendors' invoices, invoice audits and distribution slips.	Do.
18. Final construction report.	Do.	6. Labor cost distribution cards or equivalent documents.	Do.
19. As-built plans—tracings.	Do.	7. Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents.	Do.
20. Third party contract audit reports and related work papers.	Do.	<i>Pay administration records (filed by fiscal or calendar year, as appropriate)</i>	1. Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements.
21. Copies of contractor payrolls A-2 and weekly statements with respect to the wages paid during the preceding weekly payroll period.	Do.	2. Clock cards or other time and attendance cards.	Do.
<i>Right-of-way records (filed or identified by project)</i>	Do.	3. Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees.	Do.
1. Estimates of cost.	Do.	<i>Procurement and supply records (filed by fiscal or calendar year, as appropriate)</i>	1. Stores requisitions for materials, supplies, equipment, and services.
2. Maps of proposed location and alternate routes.	Do.	2. Work orders for maintenance and other services.	Do.
3. Appraisal reports.	Do.	3. Equipment records, consisting of equipment utilization and status reports and equipment repair orders.	Do.
4. Fee appraisal contracts.	Do.	4. Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract.	Do.
5. Negotiation reports.	Do.		
6. Negotiator's diary.	Do.		
7. Reviewing appraisers' and/or trial attorney's statements and recommendations.	Do.		
8. Certificates of acquisition and cost of right-of-way.	Do.		
9. Applications and supporting papers (including recordation) for lands or interest in lands acquired by the United States.	Do.		
10. Relocation assistance records including public notices, hearings, requests for assistance and payments, including all supporting data such as received bills, or other evidence of expenses incurred.	Do.		
11. Administrative settlement records.	Do.		
12. Disposal documents and related records.	Do.		
13. Property management records.	Do.		
<i>Legal records (filed or identified by project)</i>	Do.		
1. Certification and transcripts of public hearings on proposed route locations.	Do.		
2. Contractor's public liability and property damage insurance.	Do.		
3. Condemnation case files.	Do.		
4. Claim records.	Do.		
5. Tax records.	Do.		
6. Municipal agreements.	Do.		

Category of records	Minimum retention period
5. Purchase order files for supplies equipment, materials, or services, to be used in the performance of a contract.	3 years from end of fiscal or calendar year, as appropriate, in which an entry is made.
<i>Toll facilities</i>	
1. Copies of statutory authorities creating study committees or similar bodies to study feasibility of toll facilities.	3 consecutive years after facility operated on toll-free basis.
2. Copies of statutory authority.....	Do.
3. Newspaper clippings, press releases, official statements, etc., concerning development and progress.	Do.
4. Copies of engineering and financial feasibility reports.	Do.
5. Copies of bond prospectus issued.....	Do.
6. Copies of trust indenture or trust agreement issued in connection with bond sale.	Do.
7. Contract award data (PR-525).....	Do.
8. Copies of progress reports prepared by State or consultant during construction, including financial audit.	Do.
9. Copies of published annual reports of authority or annual audit.	Do.
10. Annual statement of source and application of funds (PR-530, 531, 532, 532 a, b, 535).	Do.
11. Annual schedules giving details of bond issues and future debt service requirements (PR-541, 542, 543, and 544).	Do.
12. Copies of monthly statements of operations giving toll revenues, operating costs, and traffic, where such data are prepared and published by the authority.	Do.
13. Copies of adopted toll schedules.....	Do.
14. Date of initiation or termination of tolls.....	Do.
<i>Miscellaneous records</i>	
1. General correspondence files affecting Federal-aid programs, policies, or procedures.	3 years after submission of final voucher for all Federal-aid funds pertaining to each program, or after 10 years.
2. Organization tables, charts, functional statements, and policy or procedures manuals or issuances.	3 years after submission of final voucher for last project affected, or after 10 years.
3. State internal audit reports and supporting working papers.	3 years subsequent to the year in which the report was issued.

[FR Doc.74-11113 Filed 5-14-74;8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

**PART 640—CERTIFICATION ACCEPTANCE
Secondary Road Plan Replaced**

This amendment adds Part 640 to Chapter I of Title 23 of the Code of Federal Regulations.

The Federal-aid highway program is now more than 50 years old, and the State highway departments have reached a degree of maturity such that they no longer need careful and detailed scrutiny by the Federal Highway Administration (FHWA) in some areas of program administration. This is evidenced by the fact that with the help of Federal financial assistance and Federal leadership, the State highway departments have provided the United States with the world's most efficient highway system for the transportation of people, goods, and services. Over the years, the volume of individual Federal-aid projects has increased. Approximately 18,000 Federal-aid highway projects are currently underway at any given time. The State

highway departments have acquired the needed statutory powers, regulations and procedures, professional staffs, expertise, and experience in decisionmaking.

Certification Acceptance is the successor to the Secondary Road Plan which applied only to projects on the Federal-aid secondary system. To some extent, Certification Acceptance makes the principle of this plan applicable to all Federal-aid systems except the Interstate System. The advantage in adopting the principle of the Secondary Road Plan is that it has already been tested and has proved to be workable and effective. The FHWA has successfully administered Federal-aid projects under the Secondary Road Plan for the past 19 years, based upon the concepts of delegation to and flexibility for State and local governments in carrying out the technical aspects of highway construction.

The new Certification Acceptance procedure will permit the Federal Highway Administrator to discharge many of his Title 23 duties, particularly those in the

plan preparation and construction stages, by accepting a certification submitted by the State highway department of its performance of certain Title 23 responsibilities. It also substitutes a planned monitoring of a State's procedures for the present step-by-step review and approval of each individual project action. However, the State's program will continue to come under the close scrutiny of FHWA in comprehensive planning, research, system designation, programming, environmental protection, relocation assistance, right-of-way acquisition, civil rights, and auditing matters. Transit projects approved under 23 U.S.C. 103 (e) (4) and 142(c) are not covered by the Certification Acceptance procedures. Adequate fiscal controls will continue to be a requirement on each project under guidelines and regulations promulgated by the Federal Highway Administrator.

Although the principle of the Secondary Road Plan is being followed, projects constructed under the Certification Acceptance procedure will differ from those constructed under the Secondary Road Plan in the following respects:

(1) Projects will be subject to the requirements of many more FHWA regulations, directives, and standards or to equivalent State regulations, directives, and standards.

(2) The State's procedures for administering projects will be evaluated at least once every 3 years instead of once every 5 years.

Part 640 implements section 116 of the Federal-Aid Highway Act of 1973 (23 U.S.C. 117) by establishing requirements for the preparation of certifications by the State highway departments and criteria for the approval thereof by the Federal Highway Administrator. The Certification Acceptance procedure is an alternative procedure to those contained in, or issued pursuant to Title 23, United States Code. Certification Acceptance procedures provide the States the option of relying upon their own laws and procedures to achieve Federal goals and objectives with a corresponding reduction in Federal engineering supervision and Federal controls over the State highway departments.

An earlier draft of this regulation and implementing instructions were widely circulated in late August and early September 1973 to State and local governments for comments through FHWA field offices, the Advisory Committee for Intergovernmental Relations' A-85 procedure, and the American Association of State Highway and Transportation Officials. Changes were made in the draft as a result of comments received from State and local officials as well as others within the Department of Transportation. In that this material is a matter relating to a grant program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. However, since these changes were substantial and because of interest in this mat-

ter, FHWA will be receptive to further comments and suggestions after issuance of this regulation. Comments may be submitted to the Federal Highway Administration, 400 7th Street, SW., Room 4226, Washington, D.C. 20590, Attention: CA, FHWA Docket No. 74-4, by June 14, 1974. Material thus submitted will be considered and evaluated in determining any changes to this regulation. Until such time as further changes are made, the regulation as here set forth shall remain in effect.

In consideration of the foregoing and effective May 8, 1974, Chapter 1 of Title 23, Code of Federal Regulations is amended by adding a new Part 640. This amendment is issued under the authority of 23 U.S.C. 117 and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on May 8, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Sec.	
640.1	Purpose.
640.3	Definitions.
640.5	Effect of State Certification Approval.
640.7	Finding of Equivalency Basis for Approval.
640.9	Content of State Certification.
640.11	Systems Actions, Program and Project Approval and Authorization.
640.13	Final Inspection and Acceptance.
640.15	Evaluation of State's Operation.
640.17	Effect of State's Noncompliance.
640.19	Rescission.

AUTHORITY: (23 U.S.C. 101(e), 117 and 315).

§ 640.1 Purpose.

The purpose of this part is to provide an alternative procedure for administering certain highway projects to be constructed with Federal fund participation in lieu of the detailed Federal Highway Administration (FHWA) procedure provided for in 23 U.S.C. 101, et seq., and regulations issued pursuant thereto which require FHWA review and approval at various stages of individual project development.

§ 640.3 Definitions.

(a) The word "administrator" means the Federal Highway Administration.

(b) The term "Certification Acceptance" is the alternative procedure which may be used for administering certain highway projects involving Federal funds pursuant to 23 U.S.C. 117.

(c) The term "State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The word "State" should be considered equivalent to the term "State highway agency" if the context so implies.

(d) The term "State Certification" means a written statement prepared by a State highway agency, signed by its chief administrative officer and approved by the Federal Highway Administrator, setting forth the State's organization and capability and the laws, regulations, directives and standards it will use, or

cause to be used, in the administration of certain highway projects.

(e) The word "project" means an undertaking by a State highway agency for highway construction, or if the context so implies, the particular portion of a highway so constructed.

(f) The word "construction" shall be as defined in 23 U.S.C. 101.

§ 640.5 Effect of State Certification Approval.

(a) Approval of a State's Certification relieves the State of compliance with Title 23, United States Code, and those requirements issued pursuant thereto with respect to all construction projects under Certification Acceptance except as otherwise provided in this part.

(b) Forest Highways, Public Lands, and Emergency Relief projects, all projects included under Sections 131, 136 and 319(b) of Title 23, United States Code, and all projects constructed under the provisions of sections 203, 204, 205, 209, 210, and 230 of the Federal-Aid Highway Act of 1973 (Pub. L. 93-87, 87 Stat. 250) may be included in a State's Certification and processed under the regulations in this part.

(c) A State may include all or part of its eligible programs or projects in the Certification submitted for approval.

(d) The Certification Acceptance procedure shall not apply to transportation planning and research (23 U.S.C. 134 and 307), highway safety (23 U.S.C., Chapter 4), those public transportation projects proposed pursuant to sections 142(a)(2), 142(c), and 103(e)(4) of Title 23, United States Code, and projects on the Interstate System, except as otherwise provided in this part.

(e) Approved Action Plans will serve to satisfy the requirements of Certification Acceptance for such preconstruction activities as are covered in the Action Plan.

(f) Approval of a State Certification does not constitute a commitment or an obligation of Federal funds.

(g) Certification Acceptance is an alternative procedure which replaces detailed FHWA procedures with inspection and monitoring of a State's operations under State laws and procedures, which must assure that adequate consideration is given to proposed highway projects and that the decisions on such projects are made in the best overall public interest. The alternative procedure recognizes the unique situation of each State and does not prescribe specific organizations or procedures. Certification approval endorses the adequacy of a State's processes for achieving Federal objectives but does not constitute approval of individual projects.

(h) Certification Acceptance as an alternative procedure does not replace the fundamental provisions of law in Title 23, United States Code, with respect to the basic structure of the Federal-aid highway program, such as the authorization of funds (23 U.S.C. 102), Federal-aid systems (23 U.S.C. 103), apportionment (23 U.S.C. 104), programs (23 U.S.C. 105), designation of urbanized

area boundaries (23 U.S.C. 101(a)(2)), allocation of urban system funds (23 U.S.C. 150), Federal share payable (23 U.S.C. 120), and toll roads and bridges (23 U.S.C. 129). Nor are the provisions of Title 23, United States Code, conferring a benefit or privilege abrogated by the approval of a State's Certification.

(i) Nothing in this part shall affect or discharge any responsibility or obligation of the Administrator under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), Title VIII of the Act of April 11, 1968 (Pub. L. 90-284, 42 U.S.C. 3601, et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than Title 23, United States Code.

§ 640.7 Finding of Equivalency Basis for Approval.

(a) Approval of a State's Certification will be based upon a finding by FHWA that the State laws, regulations, directives, and standards establish requirements at least equivalent to those contained in, or issued pursuant to Title 23, United States Code. The statutory phrase "State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to . . . Title (23)" means State laws, etc., that, collectively, will achieve the Federal objectives in Title 23, United States Code. The statutory phrase does not mean State laws, etc., the same as or exactly like or identical to those in Title 23, United States Code, and issued pursuant thereto.

(b) Equivalency of State laws, regulations, directives, and standards with Title 23, United States Code, and requirements issued pursuant thereto shall be determined by finding the State has laws or regulations or directives or standards each of which contain requirements separately and/or all of which contain requirements collectively on:

- (1) Construction and design,
- (2) Competitive bidding,
- (3) Payment of prevailing wages as determined in accordance with the Davis Bacon Act (40 U.S.C. 267a),
- (4) Prohibition of convict labor unless the labor is performed by convicts on parole or on probation,
- (5) Maintenance,
- (6) Relocation of utilities,
- (7) Public hearings,
- (8) Construction and maintenance of ferry boats where applicable,
- (9) Safeguarding the State and Federal interest in instances of irregularities,
- (10) Equal employment opportunity,
- (11) Control of outdoor advertising, and
- (12) Control of junkyards.

(c) Equivalency of State laws, regulations, directives, and standards with Title 23, United States Code, and requirements issued pursuant thereto shall also be determined by finding that the

State laws, etc., in the subject areas listed in § 640.7(b) will achieve the following Federal objectives of having Federal-aid and Federal highways constructed in a manner that will:

- (1) Meet existing and probable future traffic needs,
- (2) Be conducive to safety, durability, economy of maintenance and utilization by elderly and handicapped persons,
- (3) Conform to the particular needs of each locality,
- (4) Provide all-weather service,
- (5) Provide uniform informational, regulatory and warning signs, markings, and signals that will promote the safe and efficient utilization of the highways,
- (6) Provide proper safety protective devices at railroad grade crossings and drawbridges,
- (7) Minimize soil erosion,
- (8) Assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:
 - (i) Air, noise, and water pollution,
 - (ii) Destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services,
 - (iii) Adverse employment effects, and tax and property value losses,
 - (iv) Injurious displacement of people, businesses and farms, and
 - (v) Disruption of desirable community and regional growth.
- (9) Provide for public participation in the development of projects in the location and design stages,
- (10) Provide for competitive bidding that will effectively secure competition and punish fraud, bribery, collusion, conspiracy or other serious offense involving violation of State or Federal criminal statutes.
- (11) Provide for an equal employment opportunity program including highway construction training and skill improvement programs, and
- (12) Preserve natural beauty.

§ 640.9 Content of State Certification.

The State Certification shall include the following:

- (a) The name of the State highway agency and the legal authority which permits such agency to comply with Title 23, United States Code, and other applicable Federal statutes and Executive Orders.
- (b) A positive statement that projects administered under Certification Acceptance will comply with all applicable Federal statutes and Executive Orders. By such statement, the Federal laws and Executive Orders so applicable are incorporated by reference.
- (c) A statement of the systems, programs, phases of work and classes of

projects or combinations thereof that the State is including in the Certification being submitted for approval.

(d) A description or a table of organization of the State highway agency and an outline or flow chart indicating steps in project development and assignments of responsibility.

(e) A description of the methods and control procedures the State will follow to assure compliance with State and Federal requirements in the administration of projects covered by the State Certification, including the management, operational, and financial systems within the State's organization that insure the proper control of highway construction activities, accountability of Federal highway funds and the presentation of legitimate and correct claims to FHWA.

(f) A statement of the design and construction standards applicable to Certification Acceptance procedure projects. Where the Certification refers to American Association of State Highway and Transportation Officials (AASHTO), American Society of Testing Materials (ASTM), or other published standards and procedures, or incorporates any FHWA or other Federal publication or directive, these need not be submitted.

(g) A description of the State's methods for assuring local government knowledge of and compliance with State and Federal requirements where they perform services on projects to be administered under the Certification Acceptance procedure.

(h) A statement that all projects under Certification Acceptance shall be available for review by FHWA at any time and that all project documents shall be retained and available for inspection during the plan development, and construction stages and for a 3-year period after submission of the final voucher for the project.

(i) State Certifications are to be signed by the Chief Administrative Officer of the State highway agency or the official or officials of the State charged by its laws with the responsibility for highway construction a submitted to FHWA through the FHWA division engineer by letter.

§ 640.11 Systems Actions, Program and Project Approval and Authorization.

(a) Federal-aid highway systems actions and program approval shall be administered in compliance with applicable Title 23, United States Code, requirements and in accordance with applicable current FHWA directives issued pursuant thereto.

(b) Authorization to proceed with the project or any phase of the work shall be in response to a State request and may be concurrent with or subsequent to program approval. A project agreement is to be executed on each project.

(c) During the progress of the authorized project, the State highway agency shall furnish FHWA such information as the Administrator determines necessary in administering the Federal-aid highway program under Certification Acceptance.

§ 640.13 Final Inspection and Acceptance.

(a) FHWA shall make an inspection of each physical construction project upon its completion.

(b) The State shall furnish in respect to each construction project, as soon as practicable after project completion, a confirmation that the project was completed as programmed and in accordance with the procedures and standards contained in the State's Certification, with a request for final acceptance by the FHWA. Such confirmation shall include assurance that all applicable State and Federal laws have been complied with and shall be signed by the appropriate State official. The burden shall be upon the State to show compliance and the State shall furnish, upon request, all project documents and any other information pertaining to the project as necessary for final acceptance.

§ 640.15 Evaluation of State's Operation.

(a) Evaluations of the State's operation under the Certification Acceptance procedure shall be made by FHWA.

(b) As a part of the evaluation, the existing State Certification is to be reviewed to determine its adequacy in light of this part, the statutes in effect at the time of the review, and the operational reviews made by FHWA.

§ 640.17 Effect of State's Noncompliance.

(a) The Administrator shall determine whether a State has failed to comply with State and Federal law in implementing Certification Acceptance, and the decision shall be administratively final. A final judgment rendered against the State highway agency by a State court for noncompliance with State law in this respect will be prima facie evidence of a State's failure to comply with this directive.

(b) Failure to comply with Federal or State laws may be remedial and repairable or nonremedial and irreparable. In the event the noncompliance is remedial, corrective action shall be required to protect the Federal interest. If the noncompliance cannot be remedied or corrected, the Administrator will determine the action to be taken.

§ 640.19 Rescission.

(a) The Administrator's approval of a State's Certification may be rescinded at any time if, in the Administrator's opinion, it is necessary to do so.

(b) In the event a State's Certification is rescinded, the provisions of Title 23, United States Code, and the regulations issued pursuant thereto are immediately applicable. All required approvals must be obtained on projects which have not been processed beyond the obligation stage. Projects upon which FHWA has given authorization to proceed and obligation of the Federal share has occurred shall not be affected by rescission except in unusual cases where such action is necessary to protect the Federal interest.

(c) The Administrator shall provide the State with a written notice stating the reasons for his intention to rescind a State's Certification and the State shall have the opportunity to respond orally or in writing before a final decision is made. The Administrator's decision to rescind a State's Certification shall be administratively final.

[FR Doc.74-11217 Filed 5-14-74; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-78]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Thirteenth Coast Guard District

These amendments revise the description of the two captain of the port areas and the two marine inspection zones of the Thirteenth Coast Guard District in Part 3 of Title 33, Code of Federal Regulations.

The boundary between the marine inspection zones that is described in §§ 3.65-10(b) and 3.65-15(b) is revised to coincide with the boundary between the captain of the port areas. The eastern boundaries of the two captain of the port areas that are described in §§ 3.65-55(b) and 3.65-60(b) are revised to coincide with the eastern boundaries of the marine inspection zones. The descriptions of the two captain of the port areas, as amended by this document, are transferred to §§ 3.65-10 and 3.65-15. Accordingly, §§ 3.65-55 and 3.65-60, which contain the present descriptions of the areas, are deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rule making requirements in 5 U.S.C. 553(b) (3) (A), and since these amendments announce an existing change in Coast Guard organization, they are effective immediately under 5 U.S.C. 553(d) (3).

In accordance with the foregoing, Part 3 of Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.65-10 is revised to read as follows:

§ 3.65-10 Seattle Marine Inspection Zone and Captain of the Port.

(a) The Seattle Marine Inspection Office and the Seattle Captain of the Port Office are located in Seattle, Washington.

(b) The boundary of the Seattle Marine Inspection Zone, and of the Seattle Captain of the Port Area, starts at a point 48° 29' 35" N. latitude, 124° 43' 45" W. longitude and follows the international boundary eastward to the Montana-North Dakota boundary; thence southerly along this boundary to the Wyoming State line; thence westerly and southerly along the Montana-Wyoming boundary to the Idaho State line. Thence northwesterly along the Montana-Idaho boundary to 46° 55' N. latitude thence westerly to a point 46° 55' N. latitude,

123° 18' W. longitude; thence northerly to a point 47° 32' N. latitude, 123° 18' W. longitude; thence westerly along the 47° 32' N. latitude to the sea.

2. Section 3.65-15 is revised to read as follows:

§ 3.65-15 Portland, Oregon Marine Inspection Zone and Captain of the Port Area.

(a) The Portland Marine Inspection Office and the Portland Captain of the Port Office are located in Portland, Oregon.

(b) The boundary of the Portland Marine Inspection Zone, and of the Portland Captain of the Port Area, starts at the Washington coast on the 47° 32' N. latitude and follows this latitude easterly to a point 47° 32' N. latitude, 123° 18' W. longitude; thence south to the 46° 55' N. latitude; thence easterly along this latitude to the eastern Idaho State line; thence southeasterly along the Idaho State line to the Idaho-Wyoming boundary junction; thence southerly along the Idaho-Wyoming boundary to the Idaho-Utah-Wyoming boundary junction; thence westerly along the 42° N. latitude to the sea.

3. Sections 3.65-55 and 3.65-60 are deleted.

§§ 3.65-55, 3.65-60 [Deleted]

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b))

Effective date: These amendments are effective May 15, 1974.

Dated: May 10, 1974.

C. R. BENDER,
Admiral U.S. Coast Guard,
Commandant.

[FR Doc.74-11178 Filed 5-14-74; 8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 213—WATER RESOURCES PROJECTS

Project Deauthorization Review Program

Notice is hereby given that the regulation set forth below by the Secretary of the Army (acting through the Chief of Engineers), prescribes implementing policy and procedures pursuant to section 12 of the Water Resources Development Act of 7 March 1974 (Pub. L. 93-251). The Congress, in section 12, has directed the review of all projects which have been authorized for a period of at least 8 years without any Congressional appropriations within the last 8 years. It has further directed the Secretary of the Army, acting through the Chief of Engineers, to submit a list of projects to Congress, at least once each year, which he determines, after appropriate review, should no longer be authorized.

The regulation set forth below provides policies and procedures for field office formulation of recommendations for submission to the Chief of Engineers. Subsequent to review of these recommendations, the Chief of Engineers will obtain the views of interested Federal departments, agencies and instru-

mentalities, and of the Governor of each State wherein any project on his list of recommended projects for deauthorization shall be located. These views will accompany the list submitted to Congress. Further, prior to submission of such list to Congress, the Secretary of the Army, acting through the Chief of Engineers, shall notify each Senator in whose State, and Member of the House of Representatives in whose district, a project (including any part thereof) on such list shall be located.

Since this regulation prescribes a general statement of agency policy and procedures, and since Congress has directed that this action be taken as soon as practicable, notice of proposed rule-making and the procedures thereto are considered to be impractical and unnecessary. This regulation will become effective on May 15, 1974.

Dated: May 7, 1974.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

§ 213.100 Project Deauthorization Review Program.

(a) *Purpose.* This regulation provides policies and guidelines for first-year implementation of section 12 of the Water Resources Development Act of 1974, Pub. L. 93-251. Specifically, it provides for field office formulation of recommendations for deauthorization of selected projects, and submission of such recommendations to the Chief of Engineers in August 1974. These recommendations are to be the basis for the Chief of Engineers' first list of projects recommended for deauthorization to be submitted to Congress early in 1975.

(b) *Applicability.* This regulation is applicable to all OCE elements and field operating agencies having civil works responsibilities.

(c) *Basic policies.* (1) The first review of projects meeting the Congressional criteria for deauthorization consideration will include only those projects which reporting officers consider appropriate for deauthorization action under criteria outlined in this regulation without detail study.

(2) Field offices will solicit comments from local interests regarding proposed deauthorization action on selected projects as part of their formulation of recommendations to the Chief of Engineers. The Chief of Engineers will request comments on his recommended list from Governors and appropriate Federal department, agency, and instrumentality heads, and will notify Senators and Congressmen at the appropriate time.

(d) *Implementing guidelines.* Following are the work tasks on which the Office, Chief of Engineers is providing guidance toward meeting the completion date for field input to the Chief of Engineers' first list of recommended deauthorizations.

(1) Districts prepare a listing of all projects (active, deferred, and inactive), which meet the Congressional criteria for consideration for deauthorization ac-

tion, i.e., authorized for at least eight years and having no Congressional appropriations during the past eight years. The date of March 7, 1966 is the baseline for this list. The listing should include all projects, project modifications, or separable parts of projects, identified on the CWIS Planning and Construction Schedule (Engineer Regulation 18-2-1), and others identified that missed the current listing.

(2) Districts classify projects on the above list into one of the following categories, based on the criteria given in Appendix A:

- (i) Suitable for Recommendation of Deauthorization Without Further Study;
- (ii) Not Suitable for Recommendation Without Further Study; or
- (iii) Suitable for Recommendation of Continued Authorization.

(3) Division Engineers submit to the Office, Chief of Engineers, information copies of project listings required by paragraph (d) (1) of this section.

(4) Districts prepare updated Project Information Sheets for all active projects classified in paragraph (d) (2) (1) of this section in accordance with paragraph 7, Chapter 3, Engineer Regulation 11-2-101, insuring that information regarding the deauthorization criteria (Appendix A) is adequately addressed. For inactive and deferred projects classified in paragraph (d) (2) (1) of this section, prepare an abbreviated Project Information Sheet, as follows:

- (i) *Name of project.* No change.
- (ii) *Authorization.* No change.
- (iii) *Location.* No change.
- (iv) *Description.* No change.
- (v) *Summarized financial data.* Include estimated cost and the year cost was computed, funds allotted to date, and the last year funds were allotted.

(vi) *Reasons for classification of (Deferred) (Inactive).* Cite reasons and the data classification occurred, indicating any additional changes since that time.

(5) Districts request comments from local interests on all projects classified in paragraph (d) (2) (1) of this section. Local interests should include primarily those parties responsible for items of local cooperation or otherwise directly involved in plan implementation. Determination of relevant parties from whom comments are requested should be consistent with the general policy given in paragraph (c) (2) of this section.

(6) Division Engineers submit recommendations of the reporting officers, with endorsements of the Division Engineer, Project Information Sheets and copies of comments received from local interests, to the Office, Chief of Engineers. Submissions should also be accompanied by a single page supplement to each Project Information Sheet, referencing significant comments received from local interests, summarizing the results of any other studies made, and stating conclusions which support the recommendation.

(7) Division Engineers are not to release a public notice on this action.

(e) *Submission addressee.* All submissions requested by this regulation should

be sent in three (3) copies to HQDA (DAEN-CWP) Wash., D.C. 20314.

APPENDIX A—CRITERIA FOR RECOMMENDING PROJECT DEAUTHORIZATION

1. The project lacks economic justification, and it is apparent that a restudy would not develop an economically justified plan.

2. The project, as authorized, is not adequate to meet current or prospective needs, and to obtain an adequate improvement would require such substantial modifications and involve such increased costs that the Corps could not proceed without new authorization from Congress.

3. The project is generally opposed by local interests, or there is little or no prospect that the required local cooperation will be forthcoming.

4. The project, or part thereof, is no longer required because it has been accomplished by local interests or another agency, has been superseded by another project, or for any other reason.

[FR Doc. 74-10971 Filed 5-14-74; 8:45 am]

Title 49—Transportation
CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-106; Amdt. Nos. 172-26, 173-81, 174-22, 178-33, 179-13]

SHIPMENT OF HAZARDOUS MATERIALS

On March 23, 1973, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM-106, Notice No. 73-2 (38 FR 7470), which proposed certain amendments. Interested persons were invited to give their views and several comments were received by the Board.

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is (1) to identify iodine pentafluoride by name as a hazardous material; (2) to authorize the shipment of iodine pentafluoride in certain packagings; (3) to make certain editorial changes which will group a number of fluoride materials presently covered in different sections into one section; (4) to delete the authorization for 10 pounds or less of certain fluoride materials to be shipped in cylinders approved by the Bureau of Explosives; (5) to delete unnecessary references to DOT-106A500 tanks; (6) to limit the requirement for a reflective exterior surface finish on DOT-51 portable tanks to only those tanks containing compressed gas; (7) to eliminate this reflective exterior surface finish requirement for other substances, such as flammable liquids; (8) to make editorial changes which clarify the reflective exterior surface finish requirements; (9) to prohibit the transportation of flammable liquids, having a Reid vapor pressure between 16 p.s.i.a. and 27 p.s.i.a. at 100° F., in certain tank motor vehicles; (10) to authorize the shipment of specific mercaptan materials and aliphatic mercaptan mixtures in DOT-51 portable tanks; (11) to authorize the shipment of sodium hydrosulfite in DOT-56 portable tanks; (12) to authorize the shipment of Ithium metal wire in a DOT-12B fiberboard

box with inside air-tight nonsparking metal packagings; (13) to authorize the shipment of certain alkali metal and alkali metal compounds in a DOT-19A or DOT-19B wooden box with inside air-tight metal packagings; (14) to authorize the shipment of wet zirconium metal powder in a DOT-37M nonreusable cylindrical steel overpack with an inside DOT-2S polyethylene container; (15) to change the quantity requirements for bromine authorized in MC 310 and MC 312 cargo tanks; (16) to change the cladding and lining requirements for MC 310 and MC 312 cargo tanks containing bromine; (17) to make editorial changes in DOT-105A300W tank car requirements for bromine shipments; (18) to authorize the shipment of fluosulfonic acid in MC 310, MC 311, and MC 312 cargo tanks; (19) to provide for the transportation of liquefied petroleum gas in DOT-2P and DOT-2Q containers, without safety relief devices, with slightly increased charging pressures; (20) to authorize DOT-2Q containers, with safety relief devices, as an alternate packaging for the shipment of liquefied petroleum gas; (21) to change the requirements for exemption from specification packaging, marking, and labeling for the shipment of audible fire alarm systems and fire extinguishers; (22) to require the use of safety relief devices on DOT specification multiunit tank car tanks transporting hydrogen sulfide; (23) to delete the shipping container specifications for wooden barrels and kegs made under DOT-10A, 10C, 11A, and 11B designations, and (24) to delete from certain sections the reference to these wooden barrel and keg specifications and to specification DOT-10B.

A number of comments were submitted on these proposals and each comment was given due consideration. The following is a discussion of the comments received and a statement of the changes made as a result of these comments:

Fluoride materials. A comment was directed to the proposal which grouped a number of the fluoride materials into one section. This comment questioned why the maximum quantity in one outside container was limited to 25 pounds for antimony pentafluoride for shipment by rail express (cargo aircraft). The present regulations contain this packaging weight restriction for antimony pentafluoride and since this rulemaking did not propose to change the quantity limitation, the comment regarding a higher maximum weight in one outside container for antimony pentafluoride when shipped by rail express (cargo aircraft) is not considered within the scope of the proposed action.

Flammable liquids in tank motor vehicles. A commenter requested a clarification of the proposal which requires, when necessary, interior cleaning of cargo tanks between changes in lading. He states that the present regulations only require interior cleaning of MC 330 and MC 331 tanks whereas the proposal requires the interior cleaning of

all tanks authorized in the section. The Board has purposely amended the regulations so that this requirement is applicable to all tank motor vehicles when it is known that a change of lading may cause an unsafe condition.

Obsolete wooden barrel and keg specifications. Several commenters objected to the deletion of one specific barrel specification, namely the DOT-10B. The Board's proposal was to eliminate all of the wooden barrel and keg specifications and their authorizations for use. The commenters requested retention of this barrel specification for use in the shipment of alcohol and alcohol-water mixtures. In addition, another commenter suggested that of the two types of wooden barrels (tight and slack) one barrel specification from each type should be retained. Since no response was received to this proposal in the form of a justification to maintain any barrel specification, other than the DOT-10B, the Board has eliminated the remaining wooden barrel specifications and their authorizations from the regulations. The Board has therefore, retained only the DOT-10B specification for alcohol and alcohol-water mixtures. However, a study to change the present requirements of this specification to performance oriented requirements will be under taken by the Board.

Audible fire alarm systems. A commenter objected to the proposed burst test requirements for the pressure vessel contained within the fire alarm system. The proposal states that the pressure vessel must be designed and fabricated to withstand a pressure equal to five times its charged pressure at 130°F. The objections were based on the fact that a special permit, presently in effect, authorizes the pressure vessel of a fire alarm system to be constructed with a minimum burst pressure of 850 p.s.i.g. This minimum burst pressure of 850 p.s.i.g. is slightly less than the proposal requirements for the pressure vessel to have a burst pressure of not less than five times its charged pressure at 130°F.

Based on the satisfactory shipping experience under special permit and the fact that the pressure vessel is of a non-refillable type, the Board agrees with the commenter and has provided in this amendment that non-refillable pressure vessels must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130°F. For fire alarm systems which incorporate refillable pressure vessels, the Board requires that these vessels must have a burst pressure of not less than five times its charged pressure at 130°F.

Fire extinguishers. One commenter requested clarification of the marking requirements for fire extinguishers shipped under the proposed exemption provisions. The proposed marking requirement states that each fire extinguisher shipped under the exemption provision must be durably and legibly marked with a required statement. The purpose of the marking is to convey the fact that the

fire extinguisher meets the requirements of the exemption provisions. The Board considers that a label may be recognized as a permanent part of an extinguisher. Therefore, marking of the required statement on the label would be authorized.

Several commenters objected to that portion of the proposal which requires the fire extinguisher to be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70°F. when shipped. Although some of these commenters did not take exception to the existing test pressure provisions that require the extinguisher to be tested to at least three times its charged pressure at 70°F. before initial shipment, they have stated that a burst pressure of " * * * four times the normal charged pressure is adequate and provides a reasonable safety margin when coupled with good engineering design criteria." Close examination of this statement establishes the fact that the burst pressure would be only one and one-third the test pressure which the Board believes is an unacceptable margin of safety for non-specification cylinders. Even for the DOT specification 39 cylinder, a non-refillable pressure container, the burst pressure must be at least two times the test pressure. Also, the reference to "good engineering design criteria" implies certain manufacturing controls over cylinder construction which are not intended in this exemption provision.

Another commenter suggested that the exemption provision for fire extinguishers contain test pressure requirements of only two times the charged pressure at 70°F. and burst pressure requirements of only four times the charged pressure at 70°F. In support of this suggestion, the commenter indicated that a complete review of the stress conditions present in cylinders used for stored fire extinguishers was conducted. The results of this review showed " * * * every cylinder which is currently shipped under the provisions of the existing extinguisher exemption is stressed to levels above those permitted by DOT-4B-XXX when it is tested to three times charged pressure at 70°F." This statement is construed as an admission that the sidewall strength of these cylinders is inadequate since the stress levels of the cylinders were so high. For such reasons, the Board amended § 173.306(c) to include a burst pressure requirement of six times the charged pressure as one means to assure adequate wall strength.

To act otherwise, the Board would be reducing the present requirement of three times charged pressure to two

times without any showing that three times is not required. This is based on the fact that the Board has no information indicating that the present safety record is not based on a three times charged pressure test. The present test requirement of three times charged pressure was not proposed to be changed, and unless persons were not following "good engineering practices" as described above, the Board must conclude that the test requirement is valid. Further, the Board notes that although the three times and six times tests are in excess of certain cylinder specifications, where specific manufacturing controls are prescribed by the regulations, the regulation at issue is for cylinders which are otherwise exempt from specification construction requirements of the Hazardous Materials Regulations. Any manufacturer, wishing to take advantage of lower test pressures, may design fire extinguisher units to specification requirements and ship them subject to the regulations applicable to compressed gases. The end use of a packaged gaseous material does not change the gas hazard in transportation and, therefore, does not warrant special treatment for the cylinder used to contain it when considering design criteria.

There were a number of commenters who proposed that the Board consider a new specification cylinder as proposed by the Compressed Gas Association (CGA). The Board in its ongoing study of the present regulations has been working toward a consolidation of the present cylinder specifications. This study has generated favorable comment from the general public and many trade associations. It was the Board's understanding that CGA supported this objective. The addition of a new specification would appear to be directed toward proliferation, not consolidation, of the present cylinder specifications. In addition, the recommendations for the new cylinder specification are not considered within the scope of this rulemaking action.

In consideration of the foregoing, 49 CFR Parts 172, 173, 174, 178, and 179 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the list of hazardous materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Iodine pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
(Change)				
Antimony pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	25 pounds.
Bromine pentafluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
Bromine trifluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.
Chlorine trifluoride.....	Cor.....	No exemption, 173.246.....	Corrosive.....	100 pounds.

PART 173—SHIPPERS

1. In Part 173 Table of Contents, § 173.246 is amended; §§ 173.283, 173.284, and 173.285 are deleted as follows:

Sec.
173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.

173.283 [Deleted.]

173.284 [Deleted.]

173.285 [Deleted.]

2. In § 173.32, paragraph (a)(3) is added to read as follows:

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

(a) * * *
(3) Each uninsulated portable tank used for the transportation of compressed gases, as defined in § 173.300, must have an exterior surface finish complying with § 173.245-1(c) of this subchapter.

3. In § 173.60, paragraph (a)(1) is deleted as follows:

§ 173.60 Black powder and low explosives.

(a) * * *
(1) Deleted.

4. In § 173.64, paragraph (a)(3) is deleted as follows:

§ 173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.

(a) * * *
(3) [Deleted.]

5. In § 173.65, paragraphs (a)(3) and (e)(1) are deleted as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) * * *
(3) [Deleted.]

(e) * * *
(1) [Deleted.]

6. In § 173.70, the introductory text of paragraph (b) and paragraph (d) are amended to read as follows:

§ 173.70 Diazodinitrophenol or lead mononitroresorcinate.

(b) Diazodinitrophenol or lead mononitroresorcinate must be packed with not less than 40 percent by weight of water in a specification container 5 or 5B (§§ 173.80, 173.82 of this subchapter) metal barrel or drum, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth. Each bag must be securely closed. The bags containing diazodinitrophenol or lead mononitroresorcinate must be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel or drum. Any empty

space in the outside bag must be filled with water and the bag securely closed. The dry weight of diazodinitrophenol in one outside container must not exceed 220 pounds and the dry weight of lead mononitroresorcinate in one outside container must not exceed 100 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES."

7. In § 173.71, paragraphs (b) and (d) are amended to read as follows:

§ 173.71 Fulminate of mercury.

(b) Fulminate of mercury must be packed wet with not less than 25 percent by weight of water in a specification container 5 or 5B (§§ 173.80, 173.82 of this subchapter) metal barrel or drum, 17H (§ 173.118 of this subchapter) metal drum (single-trip), with an inside container which must be a bag made of 4-ounce duck. Inside the bag and over the fulminate, there must be placed a cap of the same fabric and of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. The grain bag must also be securely tied. The bag and contents must be packed in the center of the metal barrel or drum and must be entirely surrounded by not less than three inches of well-packed sawdust saturated with water. The metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel or drum must be inspected carefully and all leaks stopped. The dry weight of fulminate in one outside container must not exceed 150 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES."

8. In § 173.72, paragraphs (b) and (d) are amended to read as follows:

§ 173.72 Guanyl nitrosamino guanylidene hydrazine.

(b) Guanyl nitrosamino guanylidene hydrazine must be packed wet with not less than 30 percent by weight of water in a specification container 5 or 5B (§§ 173.80, 173.82 of this subchapter) metal barrel or drum, 17H (§ 173.118 of this subchapter) metal drum (single-trip), with an inside container which must be a bag made of 4-ounce duck. Inside the bag and over the guanyl nitrosamino guanylidene hydrazine, there must be placed a cap of the same fabric and of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The bag and con-

tents must be packed in the center of the metal barrel or drum, and must be entirely surrounded by not less than three inches of well-packed sawdust saturated with water. The metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel or drum must be inspected carefully and all leaks stopped. The dry weight of guanyl nitrosamino guanylidene hydrazine in one outside container must not exceed 75 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

9. In § 173.73, paragraphs (b) and (d) are amended to read as follows:

§ 173.73 Lead azide.

(b) Lead azide, dextrinated type, or otherwise prepared to effectively control grain size, must be packed wet with not less than 20 percent by weight of water in a specification container 5 or 5B (§§ 173.80, 173.82 of this subchapter) metal barrel or drum, 17H (§ 173.118 of this subchapter) metal drum (single-trip), with an inside container which must be a bag made of 4-ounce duck. Inside the bag and over the lead azide, there must be placed a cap of the same fabric and of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The bag and contents must be packed in the center of the metal barrel or drum, and must be entirely surrounded by not less than three inches of well-packed sawdust saturated with water. The metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel or drum must be inspected carefully and all leaks stopped. The dry weight of lead azide in one container must not exceed 150 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

10. In § 173.74, paragraphs (b) and (d) are amended to read as follows:

§ 173.74 Lead styphnate.

(b) Lead styphnate (lead trinitroresorcinate) must be packed wet with not less than 20 percent by weight of water in specification container 5 or 5B (§§ 173.80, 173.82 of this subchapter) metal barrel or drum, 17H (§ 173.118 of this subchapter) metal drum (single-trip), with an inside container which must be a bag made of rubber cloth. The lead styphnate

within this bag should be divided into a number of smaller packages. Inside the bag and over the lead styphnate, there must be placed a cap of the same fabric and of the same diameter as the bag. The bag and contents must be packed in the center of the metal barrel or drum, and must be entirely surrounded by not less than three inches of well-packed sawdust saturated with water. The metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel or drum must be inspected carefully and all leaks stopped. The dry weight of lead styphnate in one outside container must not exceed 150 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

11. In § 173.75, the introductory text of paragraph (b) and paragraph (d) are amended to read as follows:

§ 173.75 Nitro mannite.

(b) Nitro mannite must be packed wet with not less than 40 percent by weight of water in a specification container 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, with inside container which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth. Each bag must be securely closed. These bags containing the nitro mannite must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel or drum. Any empty space in the outside bag must be filled with water and this bag securely closed. The dry weight of nitro mannite in one outside container must not exceed 100 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

12. In § 173.76, paragraphs (b) and (c) are amended to read as follows:

§ 173.76 Nitrosoguanidine.

(b) Nitrosoguanidine must be packed wet with not less than 10 percent by weight of water in a specification container 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, 17H (§ 178.118 of this subchapter) metal drum (single-trip) with an inside container which must be a bag made of strong cloth, which must in turn be placed in the barrel or drum. The dry weight of nitrosoguanidine in one outside container must not exceed 75 pounds.

(c) Each barrel or drum must be

plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

13. In § 173.77, paragraphs (b) and (d) are amended to read as follows:

§ 173.77 Pentaerythrite tetranitrate.

(b) Pentaerythrite tetranitrate must be packed wet with not less than 40 percent by weight of water in a specification container 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, 17H (§ 178.118 of this subchapter) metal drum (single-trip) with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth. Each bag must be securely closed. These bags containing pentaerythrite tetranitrate must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel or drum. Any empty space in the outside bag must be filled with water and this bag securely closed. The dry weight of pentaerythrite tetranitrate in one outside container must not exceed 300 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE."

14. In § 173.78, paragraphs (b) and (d) are amended to read as follows:

§ 173.78 Tetrazene.

(b) Tetrazene (guanyl nitrosamino guanyl tetrazene) must be packed wet with not less than 30 percent by weight of water in a specification container 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, 17H (§ 178.118 of this subchapter) metal drum (single-trip) with an inside container which must be a bag made of 4-ounce duck. Inside the bag and over the tetrazene, there must be placed a cap of the same fabric and of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The bag and contents must be packed in the center of the metal barrel or drum, and must be entirely surrounded by not less than three inches of well-packed sawdust saturated with water. The metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel or drum must be inspected carefully and all leaks stopped. The dry weight of tetrazene in one outside container must not exceed 75 pounds.

(d) Each barrel or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE

OR LOAD WITH ANY HIGH EXPLOSIVE."

15. In § 173.91, paragraph (a)(1) is deleted as follows:

§ 173.91 Special fireworks.

(a) * * *
(1) [Deleted.]

16. In § 173.93, paragraphs (a)(1), (b)(2), and (d)(2) are deleted as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *
(1) [Deleted.]

(b) * * *
(2) [Deleted.]

(d) * * *
(2) [Deleted.]

17. In § 173.108, paragraph (a)(1) is deleted as follows:

§ 173.108 Common fireworks, signal flares, hand signal devices, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.

(a) * * *
(1) [Deleted.]

18. § 173.119, paragraphs (a)(5) and (a)(6) are deleted; paragraphs (b)(3), (e)(1) and (e)(3) are amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *
(5) [Deleted.]
(6) [Deleted.]

(b) * * *
(3) Specification 10B (§ 178.156 of this subchapter). Wooden barrels or kegs. Authorized only for alcohol and alcohol-water mixtures.

(e) * * *
(1) As prescribed in paragraphs (a)(1) to (11) of this section, except spec. 17E (§ 178.116 of this subchapter). Bung labels required, for metal barrels and drums, as prescribed in paragraph (i) of this section.

(3) Specification MC 304, MC 307, MC 330, or MC 331 (§§ 178.340, 178.342, 178.337 of this subchapter). Tank motor vehicles. Necessary interior cleaning of the tanks must be performed between changes in lading. Each safety relief device must have a start-to-discharge pressure of not less than 25 p.s.i.g. Each tank must meet the following requirements as applicable:

(i) Bottom outlets on each specification MC 304 cargo tank must be equipped

with valves conforming to the requirements of § 173.342-5(a) of this subchapter; and

(ii) Bottom outlets on each specification MC 330 and MC 331 cargo tank must be equipped with valves conforming to the requirements of § 173.337-11(c) of this subchapter. Safety relief devices on these tanks must be in accordance with specification MC 331 (§ 173.337 of this subchapter) requirements.

19. In § 173.121, paragraph (a) (1) is deleted as follows:

§ 173.121 Carbon bisulfide (disulfide).

- (a) * * *
- (1) Deleted.

20. In § 173.128, paragraph (b) (1) is deleted as follows:

§ 173.128 Paints and related materials.

- (b) * * *
- (1) [Deleted.]

21. In § 173.131, paragraph (a) (2) is deleted as follows:

§ 173.131 Road asphalt, or tar, liquid.

- (a) * * *
- (2) [Deleted.]

22. In § 173.132, paragraphs (a) (1) is amended; Note 1 is deleted as follows:

§ 173.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

- (a) * * *
 - (1) As prescribed in § 173.119, irrespective of flash point or viscosity.
- Note 1: [Deleted.]

23. In § 173.141, paragraph (a) (10) is added to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

- (a) * * *
- (10) Specification 51 (§ 173.245 of this subchapter). Portable tank. Each tank must be equipped with safety relief valves which must be in compliance with all requirements of § 173.315(i) except for paragraph (i) (9), (10), and (11). A tank must not be liquid full at 130°F.

24. In § 173.154, paragraphs (a) (3), (4), and (5) are deleted as follows:

§ 173.154 Flammable solids and oxidizing materials not specifically provided for.

- (a) * * *
- (3) [Deleted.]
- (4) [Deleted.]
- (5) [Deleted.]

25. In § 173.155, paragraph (a) (2) is deleted as follows:

§ 173.155 Bags, nitrate of soda, empty and unwashed.

- (a) * * *
- (2) [Deleted.]

§ 173.263 [Amended].

26. In § 173.163, paragraph (a) (4) is amended by deleting the following words in the first sentence: "or spec. 11A or 11B (§§ 178.160 or 178.161 of this chapter) wooden barrels or kegs."

27. In § 173.184, paragraph (a) (1) is deleted as follows:

§ 173.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

- (a) * * *
- (1) [Deleted.]

28. In § 173.187, paragraph (a) (1) is amended to read as follows:

§ 173.187 Peroxide of sodium.

- (a) * * *
- (1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be air-tight metal cans.

29. In § 173.188, paragraph (a) (1) is amended to read as follows:

§ 173.188 Phosphoric anhydride.

- (a) * * *
 - (1) Specification 15A, 15B, or 15C (§§ 178.168, 178.169, 178.190 of this subchapter). Wooden boxes with inside containers which must be tightly stoppered glass bottles not over 1 pound capacity each; or metal cans, not over 3 pounds capacity each, hermetically sealed (soldered) or closed with cork securely held in place by metal strap soldered in position. All inside containers must be cushioned with elastic incombustible packing materials.
- (Note 1 remains the same.)

30. In § 173.191, paragraph (a) (1) is amended; paragraph (a) (3) is deleted as follows:

§ 173.191 Phosphorus pentachloride.

- (a) * * *
- (1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing; when inside containers are packed in the same outside container with other articles, they must be enclosed in tightly closed metal cans. Net weight of phosphorus pentachloride not over 50 pounds in each outside container.

- (3) [Deleted.]

31. In § 173.195, paragraph (a) (3) is deleted as follows:

§ 173.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.

- (a) * * *
- (3) [Deleted.]

32. In § 173.201, paragraph (a) (3) is deleted as follows:

§ 173.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

- (a) * * *
- (3) [Deleted.]

33. In § 173.204, paragraph (a) (1) is amended; (a) (8) is added to read as follows:

§ 173.204 Sodium hydrosulfite.

- (a) * * *
- (1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside glass bottles of capacity not exceeding 5 pounds each, or metal containers.

(8) Specification 56 (§§ 178.251, 178.252 of this subchapter). Portable tank. Authorized only for shipment in a closed transport vehicle. For rail transportation see § 174.534 of this subchapter. Not authorized for transportation by water.

34. In § 173.205, paragraph (a) (2) is deleted as follows:

§ 173.205 Sodium picramate, wet.

- (a) * * *
- (2) [Deleted.]

35. In § 173.206, paragraphs (a) (1) and (c) (4) are amended; paragraph (a) (11) is added to read as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

- (a) * * *
- (1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes must have inside air-tight metal packagings. Each inside air-tight metal packaging must have a closing device securely fastened by positive means (not friction). For shipments of lithium aluminum hydride, each inside metal packaging must not exceed 1 gallon capacity and must be securely closed, positive means not required. Each inside metal packaging containing lithium aluminum hydride must be cushioned in outside packagings with sufficient incombustible packaging material.

(11) Specification 12B (§ 178.205 of this subchapter). Fiberboard box. Au-

thorized only for lithium metal in wire form. Fiberboard box must have inside nonsparking metal packaging. Each inside nonsparking metal packaging must be tin coated and sealed by rolled-on lids. The contents of each inside packaging must be coated with heavy mineral oil or petroleum and wound on a 3-inch by 3-inch nonsparking metal spool. The net weight of the contents in each inside packaging must not exceed one-fourth pound.

(c) * * *

(4) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must have a minimum design pressure of 150 p.s.i.g. Each tank must be equipped with safety valves having a start-to-discharge pressure of 150 p.s.i.g. If a tank has exterior heating coils these coils must be welded to the tank and must be stress relieved. The material must be in molten condition when loaded and the tank must be held for sufficient time to allow the material to be completely solidified before being offered for transportation. Outage must be five percent or more at sodium fusion temperature of 208° F.

36. In § 173.214, paragraphs (a) (2) and (c) (2) are deleted; paragraph (c) (4) is added to read as follows:

§ 173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

(a) * * *

(2) [Deleted.]

(c) * * *

(2) [Deleted.]

(4) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each overpack must be constructed of at least 24-gage steel. Each packaging may not exceed a capacity of 5 gallons. Net weight of contents may not exceed 50 pounds of dry material.

37. In § 173.216, paragraph (a) (2) is deleted as follows:

§ 173.216 Zirconium picramate, wet.

(a) * * *

(2) [Deleted.]

38. In § 173.245, paragraphs (a) (5) and (a) (6) are deleted as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(5) [Deleted.]

(6) [Deleted.]

39. In § 173.246, the heading, paragraph (a), and paragraph (a) (1) are amended; paragraph (a) (2) is added as follows:

§ 173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.

(a) Antimony pentafluoride must be chemically anhydrous. Materials cited in the heading of this section must be packed in specification packagings as follows:

(1) Specification 3A150, 3AA150, 3B240, 3BN150, 4B240, 4BA240, 4BW240, or 3E1800 (§§ 178.36, 178.37, 178.38, 178.39, 178.50, 178.51, 178.61, 178.42 of this subchapter). Cylinders. Each valve outlet must be sealed by a threaded cap or a threaded plug. Cylinder valves must be protected as specified for corrosive gases in § 173.301(g). No cylinder may be equipped with any safety relief device. Specification 3E1800 cylinders must be packaged in accordance with the requirements of § 173.301(k).

(2) Specification 106A500X or 110A-500W (§§ 179.300, 179.301 of this subchapter). Tanks. Authorized for iodine pentafluoride and chlorine trifluoride only. Each tank must be equipped with a valve protection cover and with solid steel plugs in place of fusible plug safety devices. No tank may be equipped with any safety relief device.

40. In § 173.247, paragraph (a) (2) is deleted as follows:

§ 173.247 Acetic anhydride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuric chloride; Silicon chloride; Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

(a) * * *

(2) [Deleted.]

41. In § 173.252, paragraphs (a) (3) and (a) (4) are amended; paragraph (a) (5) is deleted as follows:

§ 173.252 Bromine.

(a) * * *

(3) Specification 105A300W (§§ 179.100, 179.101 of this subchapter). Tank car. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness, or be lined with lead no less than $\frac{3}{16}$ -inch thick. Openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner. All closures and

appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading. All interior welds in nickel clad tanks must be protected by pure nickel butt straps. Except as otherwise provided herein, the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(1) A tank constructed and maintained in full compliance with the requirements of a Specification DOT-105A500W is authorized for larger capacities of bromine. However, this tank may be marked DOT-105A300W and may be equipped with manway cover plates, safety valves, venting valves, loading valves, and unloading valves that are in compliance with the requirements of a Specification DOT-105A300W tank. The water weight capacity of this tank must not be more than 37,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 110,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less.

(4) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Each tank must have a shell and head thickness of at least three-eighths inch. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness or be lined with lead at least $\frac{3}{16}$ -inch thick. The cladding material must conform to requirements of ASTM Specification B-162-69. The composite plate must conform to requirements of ASTM Specification A-265-69. The maximum quantity of liquid bromine loaded into the tank must not exceed 300 percent of the water weight capacity of the tank. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(5) [Deleted.]

42. In § 173.254, paragraph (a) (3) is deleted as follows:

§ 173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *

(3) [Deleted.]

43. In § 173.262, paragraph (a) (3) is deleted as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(3) [Deleted.]

44. In § 173.263, paragraphs (a) (4), (a) (8), and (b) (1) are deleted as follows:

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(8) [Deleted.]

(b) * * *

(1) [Deleted.]

45. In § 173.265, paragraphs (a) (2) and (a) (3) are deleted as follows:

§ 173.265 Hydrofluosilicic acid.

(a) * * *

(2) [Deleted.]

(3) [Deleted.]

46. In § 173.266, paragraph (d) (1) is deleted as follows:

§ 173.266 Hydrogen peroxide solution in water.

(d) * * *

(1) [Deleted.]

47. In § 173.268, paragraphs (d) (1) and (e) (1) are amended to read as follows:

§ 173.268 Nitric acid.

(d) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be glass bottles not over 5 pints capacity each, individually enclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material. (See paragraphs (g) and (h) of this section.)

(e) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be glass bottles not over 5 pints capacity each. (See paragraphs (g) and (h) of this section.)

48. In § 173.270, paragraph (a) (2) is deleted as follows:

§ 173.270 Phosphorus tribromide.

(a) * * *

(2) [Deleted.]

49. In § 173.271, paragraph (a) (3) is deleted as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(3) [Deleted.]

50. In § 173.274, paragraph (a) (4) is added to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles.

§§ 173.283—173.285 [Deleted].

51. Section 173.283 thru 173.285 are deleted.

52. In § 173.289, paragraph (a) (3) is deleted as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *

(3) [Deleted.]

53. In § 173.291, paragraphs (a) (4) and (a) (5) are deleted as follows:

§ 173.291 Flame retardant compound liquid.

(a) * * *

(4) [Deleted.]

(5) [Deleted.]

54. In § 173.295, paragraph (a) (2) is deleted as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(2) [Deleted.]

55. In § 173.304 paragraph (d) (3) (ii), the table is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(d) * * *

(3) * * *

(ii) * * *

Type of container	Maximum capacity		Maximum charging pressure—p.s.i.g.
	Cubic inches	Gallons	
DOT-2P or DOT-2Q (see Note 1).....	31.83	4.5	45 p.s.i.g. at 70° F. and 105 p.s.i.g. at 130° F. (see Note 2).
DOT-2P or DOT-2Q (see Note 1).....	31.83	3.5	35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F.
DOT-3C or DOT-4C.....	3,881	16+5% tolerance..	145 p.s.i.g. at 130° F.

Notes 1 and 2 remain the same.

(Notes 1 and 2 remain the same.)

56. In § 173.306, paragraphs (b) (6) and (c) are amended to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

(b) * * *

(6) Audible firm alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part:

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(iii) Each inside container may not have a pressure exceeding 70 p.s.i.g. at 70° F. and the liquid portion of the gas may not completely fill the inside container at 130° F., and

(iv) Each non-refillable inside container must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130° F. Each refillable inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130° F.

(c) *Fire extinguishers.* Fire extinguishers charged with a compressed gas to not more than 240 p.s.i.g. at 70° F. are exempt from specification packaging, marking, and labeling requirements when shipped under the following conditions, except that marking name of contents on outside packaging is required for shipments via carriers by water. In

addition to the above exemptions, shipments via highway carriers are exempt from Part 177 of this subchapter, except § 177.817.

(1) Each fire extinguisher must be shipped as an inside packaging.

(2) Each fire extinguisher must have contents which are not flammable, poisonous, or corrosive as defined under this part.

(3) Each fire extinguisher under stored pressure may not have an internal volume exceeding 1,100 cubic inches. For fire extinguishers not exceeding 35 cubic inches capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 130° F. Fire extinguishers exceeding 35 cubic inches capacity may not contain any liquefied compressed gas.

(4) Each fire extinguisher must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped.

(5) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70° F. but not less than 120 p.s.i.g. before initial shipment. For any subsequent shipment, each fire extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration regulations of the Department of Labor, 29 CFR 1910.157(d), and

(6) Each fire extinguisher manufactured after January 31, 1975 and filled and shipped under this paragraph must be legibly and durably marked "This extinguisher meets all requirements of 49 CFR 173.306(c)."

(7) When specification 2P or 2Q packagings are used, paragraphs (c) (4)

through (6) of this section are not applicable provided each packaging meets the requirements of paragraph (a)(3) of this section.

57. In § 173.314, paragraph (c), Table Note 8 is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) * * *

NOTE 8: Each tank must be equipped with adequate safety relief devices of the fusible plug type having a yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. In addition, all valves must be protected by a metal cover.

58. In § 173.346, paragraphs (a)(5) and (a)(6) are deleted as follows:

§ 173.346 Poisonous liquids not specifically provided for.

(a) * * *

(5) [Deleted.]
(6) [Deleted.]

59. In § 173.351, paragraph (a)(2) is deleted as follows:

§ 173.351 Hydrocyanic acid solutions.

(a) * * *

(2) [Deleted.]

60. In § 173.360, paragraph (a)(1) is deleted as follows:

§ 173.360 Perchloro-methyl-mercaptan.

(a) * * *

(1) [Deleted.]

61. In § 173.365, paragraphs (a)(4) and Note 1, and (a)(5) are deleted as follows:

§ 173.365 Poisonous solids not specifically provided for.

(a) * * *

(4) [Deleted.]

NOTE 1: [Deleted.]

(5) [Deleted.]

62. In § 173.366, paragraph (a)(2) is deleted as follows:

§ 173.366 Arsenic (arsenic trioxide) or arsenic acid (solid).

(a) * * *

(2) [Deleted.]

63. In § 173.367, Note 1 following paragraph (a)(1) is deleted as follows:

§ 173.367 Arsenical compounds n.o.s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.

(a) * * *

(1) * * *

NOTE 1: [Deleted.]

64. In § 173.369, paragraphs (a)(2) and (a)(3) are deleted as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(2) [Deleted.]

(3) [Deleted.]

65. In § 173.370, paragraph (a)(2) is deleted as follows:

§ 173.370 Cyanides, or cyanides mixtures, except cyanides of calcium and mixtures thereof.

(a) * * *

(2) [Deleted.]

66. In § 173.371, paragraph (a)(2) is deleted as follows:

§ 173.371 Dinitrobenzol.

(a) * * *

(2) [Deleted.]

67. In § 173.373, paragraph (a)(2) is deleted as follows:

§ 173.373 Ortho-nitroaniline and parani-traniline.

(a) * * *

(2) [Deleted.]

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.534, paragraph (c) is added to read as follows:

§ 174.534 Portable containers or tanks.

(c) Specifications 52, 53, 56, and 57 (§§ 178.251, 178.252, 178.253 of this subchapter) portable tanks must be shipped only in a rail car that provides specific facilities for bracing and tie down of

these tanks. If TOFC or COFC service is utilized, tanks must be secured in trailer bodies in compliance with Bureau of Explosives' Pamphlet 6C.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

1. In Part 178 Table of Contents, §§ 178.155, 178.157, 178.160, and 178.161 are deleted.

§ 178.155 [Deleted].

2. § 178.155 is deleted.

§ 178.157 [Deleted].

3. § 178.157 is deleted.

§ 178.160 [Deleted].

4. § 178.160 is deleted.

§ 178.161 [Deleted].

5. § 178.161 is deleted.

6. In § 178.245-1, paragraph (c) is amended as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245-1 Requirements for design and construction.

(c) Each uninsulated tank used for the transportation of compressed gas, as defined in § 173.300 of this subchapter, must have an exterior surface finish that is significantly reflective such as a light reflecting color if painted, or a bright reflective metal or other material if unpainted.

PART 179—SPECIFICATIONS FOR TANK CARS

In § 179.302 paragraph (a), the table is amended; footnote 7 is added to read as follows:

§ 179.302 Special commodity requirements for multi-unit tank car tanks.

(a) * * *

Commodity	Safety relief device	Valve protective housing	Miscellaneous
(Change)			
Hydrogen sulfide.....	Fusible plugs required ¹ .	Required ²	(³)

¹ Safety relief devices for hydrogen sulfide must be of the fusible plug type utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F.

This amendment is effective January 31, 1974. However, immediate compliance with the regulations, as amended herein, is authorized.

(Transportation of Explosives Act (18 U.S.C. 831-835), section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(e))).

This is one of four signature pages in Docket No. HM-106; Amendment Nos. 172-26, 173-81, 174-22, 178-33, 179-13, Shipment of Hazardous Materials. Signature pages have been submitted to the Board Members for the Federal Highway Administration, the Federal Railroad Administration, and the United States Coast Guard.

Issued in Washington, D.C. on May 9, 1974.

- C. R. MELUGIN, Jr.,
Alternate Board Member for the
Federal Aviation Administration.
- ROBERT A. KAYE,
Board Member for the
Federal Highway Administration.
- MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.
- W. F. REA III,
Rear Admiral, Board Member
for the United States Coast
Guard.

[FR Doc.74-11220 Filed 5-14-74; 8:45 am]

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

[Docket No. 73-9; Notice 5]

PART 570—VEHICLE IN USE INSPECTION STANDARDS

Response to Petitions for Reconsideration; Correction

In FR Doc. 74-7966, appearing at page 12867 in the issue of April 9, 1974, the following corrections are made:

1. In the second paragraph of the preamble, the FEDERAL REGISTER citation for the Vehicle In Use Inspection Standard is amended to read: "38 FR 23949."

2. Section 570.5(b)(1) is revised to read:

§ 570.5 Service brake system.

(b) * * *

(i) *Inspection procedures.* With the engine running on vehicles equipped with power brake systems, and the ignition turned to "on" in other vehicles, apply a force of 125 pounds to the brake pedal and hold for 10 seconds. Note any decrease in pedal height, and whether the lamp illuminates.

3. Amendment "5." concerning § 570.5(b), should read "4."

(Sec. 103, 108, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401); delegation of authority at 49 CFR 1.51)

Issued on May 8, 1974.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc. 74-11174 Filed 5-14-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1184]

PART 1033—CAR SERVICE

Central Iowa Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of May 1974.

It appearing, that, in Finance Docket No. 27637, the Central Iowa Railway Company (CIRC) was authorized to acquire and operate a line of railroad abandoned by the Chicago, Rock Island and Pacific Railroad Company (RI), extending from a connection with the RI at Hills, Iowa, to Montezuma, Iowa; that the purchase agreement between the CIRC and the RI provided for operation of the CIRC over tracks of the RI between Hills, Iowa, and Iowa City, Iowa; that an agreement governing such operations by the CIRC over the RI is being negotiated; that the RI has consented to use of its line between Hills and Iowa City by the CIRC pending disposition of the application; that operation over the aforementioned tracks of the RI by the CIRC is necessary to provide uninterrupted railroad service to shippers served by this line in the interest of

the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1184 Service Order No. 1184.

(a) *Central Iowa Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company.* The Central Iowa Railway Company (CIRC) be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between Iowa City, Iowa, and Hills, Iowa, a distance of approximately 7.73 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a pre-judgment of the application of the CIRC seeking permanent authority to operate over this line.

(d) *Effective date.* This order shall become effective at 11:59 p.m., May 10, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-11206 Filed 5-14-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain Wildlife Refuges in Montana

The following special regulations are issued and are effective on May 15, 1974.

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

MONTANA

NATIONAL BISON RANGE

Sport fishing on the National Bison Range, Moiese, Montana, is only per-

mitted along the portions of the Jocko River as posted. These open areas are delineated on maps available at refuge headquarters, one-half mile east of Moiese, Montana. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

NINEPIPE NATIONAL WILDLIFE REFUGE

(HEADQUARTERS NATIONAL BISON RANGE, MOIESE, MONTANA)

Sport fishing is permitted in accordance with special regulations. Entire refuge is open from July 15, until beginning of waterfowl hunting season, and before July 15, on west and north shore lines from picnic area to Allentown bridge, except central portion of north shore (nine-tenths of a mile), as posted. Entire refuge is closed during migratory waterfowl hunting season. Ice fishing is permitted after the closure of waterfowl hunting season until March 1. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

Special Regulations: Ninepipe National Wildlife Refuge

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

PABLO NATIONAL WILDLIFE REFUGE

(HEADQUARTERS NATIONAL BISON RANGE, MOIESE, MONTANA)

Sport fishing is closed on Pablo Reservoir during the migratory waterfowl hunting season. It is open during the balance of the year, in accordance with special regulations, on the north and east shore lines from inlet canal to south end of dam as posted. Ice fishing is permitted after the closing of the waterfowl hunting season. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth, in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

Special Regulations: Pablo National Wildlife Refuge

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.

RULES AND REGULATIONS

4. Motorized travel on the ice is prohibited.

5. No ice fishing shelters may be left overnight.

(HEADQUARTERS NATIONAL BISON RANGE,
MOIESE, MONTANA)

Sport fishing is permitted north end of Flathead Lake within the boundaries of the Waterfowl Production Area. Fishing from shore is prohibited from March 1, to July 1. All islands at the

mouth of Flathead River are closed to trespass except during the waterfowl hunting season. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

Special Regulations: Northwest Montana Waterfowl Production Areas

1. Vehicle travel is permitted only on designated roads and parking areas.

MARVIN R. KASCHKE,
*Refuge Manager, National
Bison, Range, Moiese, Mont.*

APRIL 15, 1974.

[FR Doc. 74-11192 Filed 5-14-74; 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 THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Income Subject to Foreign Community Property Laws

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 14, 1974. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 14, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to section 981 of the Internal Revenue Code of 1954, relating to election as to the treatment of income subject to foreign community property laws, as added by section 105(e) of the Foreign Investors Tax Act of 1966 (80 Stat. 1565).

Section 981(a) provides that for any taxable year beginning after December 31, 1966, an individual who is (1) a citizen of the United States, (2) a bona fide resident of a foreign country or countries during the entire taxable

year, and (3) married at the close of the taxable year to an individual who is a nonresident alien during the entire taxable year may, together with his spouse, elect for such year to treat the income which is community income under the community property laws of any foreign country in the special manner provided by section 981(b).

Section 981(b) contains special rules for dividing the community income between the husband and wife in the case of earned income, trade or business income, community income derived from the separate property of the respective spouses, and all other community income.

Section 981(c)(1) provides that an individual who was a citizen of the United States and married at the close of any taxable year beginning before January 1, 1967, to an individual who was a nonresident alien during the entire taxable year may, together with his spouse, elect, for all open taxable years beginning before January 1, 1967, for which such conditions are satisfied to have the special rules of section 981(c)(2) apply to their community income under foreign community property laws. These rules for treating the community income are generally the same as those prescribed by section 981(b) except that the community income (other than earned income, trade or business income, or community income derived from separate property) is treated as the income of the spouse who had the greater amount of gross income, determined by adding to the separate gross income the amount attributed to such spouse under section 981(b) in the case of earned income, trade or business income, and community income derived from separate property. Under conditions described in section 981(d)(3) the nonresident alien spouse is not required to join in the election under section 981(c)(1).

Either the election for post-1966 years or the election for pre-1967 years can be made for any year, at any time, so long as the year is still open. An election may be made for an open taxable year even though no return was filed for that year. If the election is exercised for any post-1966 year, the treatment provided by section 981(b) applies not only to the year of election but also to all subsequent years which are open; and, if it is made for pre-1967 years, section 981(c)(2) applies for all open years beginning before January 1, 1967. An election in respect of a pre-1967 year is not considered effective for any post-1966 year. An election for a post-1966 year is binding and may be terminated only with consent of the

Director of International Operations. An election for a pre-1967 year is binding and may not be revoked. Either election is to be made by filing with the Director of International Operations a return, an amended return, or a claim for refund, accompanied by certain prescribed information.

In order to conform the Income Tax Regulations to such changes, the regulations are hereby amended as follows:

1. Section 1.911 is amended by revising subsections (c)(1)(B) and (d) of section 911 and the historical note to read as follows:

§ 1.911 Statutory provisions; earned income from sources without the United States.

Sec. 911. *Earned income from sources without the United States.* * * *

(c) *Special rules.* * * *

(1) *Limitations on amount of exclusion.* * * *

(B) \$25,000 in the case of an individual who qualifies under subsection (a)(1), but only with respect to that portion of such taxable year occurring after such individual has been a bona fide resident of a foreign country or countries for an uninterrupted period of 3 consecutive years.

(d) *Cross references.* (1) For administrative and penal provisions relating to the exclusion provided for in this section, see sections 6001, 6011, 6012(c), and the other provisions of subtitle F.

(2) For elections as to treatment of income subject to foreign community property laws, see section 981.

[Sec. 911 as amended by sec. 72(b), Technical Amendments Act 1958 (72 Stat. 1660); sec. 11(a), Rev. Act 1962 (76 Stat. 1003); sec. 237(a), Rev. Act 1964 (78 Stat. 128); sec. 105(e)(3), Foreign Investors Tax Act 1966 (80 Stat. 1567)]

2. The following new sections are added immediately after § 1.972-1:

§ 1.981 Statutory provision; election as to treatment of income subject to foreign community property laws.

SEC. 981. *Election as to treatment of income subject to foreign community property laws—(a) General rule.* In the case of any taxable year beginning after December 31, 1966, if—

(1) An individual is (A) a citizen of the United States, (B) a bona fide resident of a foreign country or countries during the entire taxable year, and (C) married at the close of the taxable year to a spouse who is a nonresident alien during the entire taxable year, and

(2) Such individual and his spouse elect to have subsection (b) apply to their community income under foreign community property laws, then subsection (b) shall apply to such income of such individual and such spouse for the taxable year and for all subsequent taxable years for which the requirements of paragraph (1) are met, unless the Secretary or his delegate consents to a termination of the election.

(b) *Treatment of community income.* For any taxable year to which an election made under subsection (a) applies, the community income under foreign community property laws of the husband and wife making the election shall be treated as follows:

(1) Earned income (within the meaning of the first sentence of section 911(b)), other than trade or business income and a partner's distributive share of partnership income, shall be treated as the income of the spouse who rendered the personal services.

(2) Trade or business income, and a partner's distributive share of partnership income, shall be treated as provided in section 1402(a)(5).

(3) Community income not described in paragraph (1) or (2) which is derived from the separate property (as determined under the applicable foreign community property law) of one spouse shall be treated as the income of such spouse.

(4) All other such community income shall be treated as provided in the applicable foreign community property law.

(c) *Election for pre-1967 years.*—(1) *Election.* If an individual meets the requirements of subsections (a)(1)(A) and (C) for any taxable year beginning before January 1, 1967, and if such individual and the spouse referred to in subsection (a)(1)(C) elect under this subsection, then paragraph (2) of this subsection shall apply to their community income under foreign community property laws for all open taxable years beginning before January 1, 1967 (whether under this chapter, the corresponding provisions of the Internal Revenue Code of 1939, or the corresponding provisions of prior revenue laws), for which the requirements of subsection (a)(1)(A) and (C) are met.

(2) *Effect of election.* For any taxable year to which an election made under this subsection applies, the community income under foreign community property laws of the husband and wife making the election shall be treated as provided by subsection (b), except that the other community income described in paragraph (4) of subsection (b) shall be treated as the income of the spouse who, for such taxable year, had gross income under paragraphs (1), (2), and (3) of subsection (b), plus separate gross income, greater than that of the other spouse.

(d) *Time for making elections; period of limitations; etc.*—(1) *Time.* An election under subsection (a) or (c) for a taxable year may be made at any time while such year is still open, and shall be made in such manner as the Secretary or his delegate shall by regulations prescribe.

(2) *Extension of period for assessing deficiencies and making refunds.* If any taxable year to which an election under subsection (a) or (c) applies is open at the time such election is made, the period for assessing a deficiency against, and the period for filing claim for credit or refund of any overpayment by, the husband and wife for such taxable year, to the extent such deficiency or overpayment is attributable to such an election, shall not expire before 1 year after the date of such election.

(3) *Alien spouse need not join in subsection (c) election in certain cases.* If the Secretary or his delegate determines—

(A) That an election under subsection (c) would not affect the liability for Federal income tax of the spouse referred to in subsection (a)(1)(C) for any taxable year, or

(B) That the effect on such liability for tax cannot be ascertained and that to deny the election to the citizen of the United States would be inequitable and cause undue hardship,

such spouse shall not be required to join in such election, and paragraph (2) of this subsection shall not apply with respect to such spouse.

(4) *Interest.* To the extent that any overpayment or deficiency for a taxable year is attributable to an election made under this section, no interest shall be allowed or paid for any period before the day which is 1 year after the date of such election.

(e) *Definitions and special rules.* For purposes of this section—

(1) *Deductions.* Deductions shall be treated in a manner consistent with the manner provided by this section for the income to which they relate.

(2) *Open years.* A taxable year of a citizen of the United States and his spouse shall be treated as "open" if the period for assessing a deficiency against such citizen for such year has not expired before the date of the election under subsection (a) or (c), as the case may be.

(3) *Elections in case of decedents.* If a husband or wife is deceased his election under this section may be made by his executor, administrator, or other person charged with his property.

(4) *Death of spouse during taxable year.* In applying subsection (a)(1)(C), and in determining under subsection (c)(2) which spouse has the greater income for a taxable year, if a husband or wife dies the taxable year of the surviving spouse shall be treated as ending on the date of such death.

[Sec. 981 as added by sec. 105(e)(1), Foreign Investors Tax Act 1966 (80 Stat. 1565)]

§ 1.981-1 Foreign law community income for taxable years beginning after December 31, 1966.

(a) *Election for special treatment.*—

(1) *In general.* An individual citizen of the United States who meets the requirements of section 981(a)(1) and subparagraph (2) of this paragraph for any open taxable year beginning after Decem-

ber 31, 1966, may make a binding election with his nonresident alien spouse to have section 981(b) and paragraph (b) of this section apply to their income for such year which is treated as community income under the applicable community property laws of a foreign country or countries. Generally, the community property laws of a foreign country operate upon land situated within its jurisdiction and upon personal property owned by spouses domiciled therein. If the election is made for any taxable year, it shall also apply for all subsequent open taxable years of such citizen and his nonresident alien spouse for which all the requirements of section 981(a)(1) and subparagraph (2) of this paragraph are met, unless the Director of International Operations consents, in accordance with paragraph (c)(2) of this section, to a termination of the election. An election under section 981(a) and this section has no effect for any taxable year beginning before January 1, 1967, for which a separate election, if made, must be made under section 981(c)(1) and § 1.981-2. For the definition of "open taxable year" see section 981(e)(2) and paragraph (a) of § 1.981-3. If the citizen and his nonresident alien spouse have different taxable years, see paragraph (c) of § 1.981-3. If one of the spouses is deceased, see paragraph (d) of § 1.981-3.

(2) *Requirements to be met.* In order for a U.S. citizen and his nonresident alien spouse to make an election under section 981(a) and this section for any taxable year and in order for the election to apply for any subsequent taxable year it is required under section 981(a)(1) that, for each such taxable year, such citizen be (i) a citizen of the United States, (ii) a bona fide resident of a foreign country or countries during the entire taxable year, and (iii) married at the close of the taxable year to an individual who is (a) a nonresident alien during the entire taxable year and (b), in the case of any such subsequent taxable year, the same nonresident alien individual to whom the citizen was married at the close of the earliest of such taxable years. If either spouse dies during a taxable year, the taxable year of the surviving spouse shall be treated, solely for purposes of making the determination under subdivision (iii) of this subparagraph, as ending on the date of such death. A citizen of the United States shall be considered as not married at the close of his taxable year if he is legally separated from his spouse under a decree of divorce or of separate maintenance. However, the mere fact that spouses have not lived together during the course of the taxable year shall not cause them to be considered as not married at the close of the taxable year. A husband and wife who are separated under an interlocutory decree of divorce retain the relationship of husband and wife until the decree becomes final.

(3) *Determination of residence.* The principles of paragraphs (a)(2) and (b)(7) of § 1.911-1 shall apply in order to determine for purposes of this paragraph whether a U.S. citizen is a bona fide resi-

dent of a foreign country or countries during the entire taxable year. The principles of § 1.871-2 through § 1.871-5 shall apply in order to determine whether the alien spouse of a U.S. citizen is a nonresident during the entire taxable year.

(4) *Manner of electing.* The election under section 981(a) and this section shall be made in accordance with the applicable rules set forth in paragraph (c) of this section.

(b) *Treatment of community income—*

(1) *In general.* Community income for any taxable year to which an election under section 981(a) and this section applies, and the deductions properly allocable to such income, shall be divided between the electing U.S. citizen and nonresident alien spouses in accordance with the rules set forth in section 981(b) and subparagraphs (2) through (6) of this paragraph. Community income for this purpose means all gross income, whether derived from sources within or without the United States, which is treated as community income of the spouses under the community property laws of the foreign country having jurisdiction to determine the legal ownership of the income. A spouse has ownership of the income for this purpose if under the applicable foreign law he has a proprietary vested interest in the income.

(2) *Earned income.* Wages, salaries, or professional fees, and other amounts received as compensation for personal services actually performed, which are community income for the taxable year, shall be treated as the income of the spouse who actually performed the personal services. This subparagraph does not apply, however, to community income (i) derived from any trade or business carried on by the husband or the wife, (ii) attributable to a spouse's distributive share of the income of a partnership to which subparagraph (4) of this paragraph applies, (iii) consisting of compensation for personal services rendered to a corporation which represents a distribution of the earnings and profits of the corporation rather than a reasonable allowance as compensation for the personal services actually performed, or (iv) derived from property which is acquired as consideration for personal services performed.

(3) *Trade or business income.* If any income derived from a trade or business carried on by the husband or wife is community income for the taxable year, all of the gross income, and the deductions attributable to such income, shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of the trade or business, in which case all of the gross income and deductions shall be treated as the gross income and deductions of the wife. This subparagraph does not apply to any income derived from a trade or business carried on by a partnership of which both or one of the spouses is a member. For purposes of this subparagraph, income derived from a trade or business includes any income derived

from a trade or business in which both personal services and capital are material income producing factors. The term "management and control" means management and control in fact, not the management and control imputed to the husband under the community property laws of a foreign country. For example, a wife who operates a beauty parlor without any appreciable collaboration on the part of a husband is considered as having substantially all of the management and control of the business despite the provisions of any community property laws of a foreign country vesting in the husband the right of management and control of community property; and the income and deductions attributable to the operation of the beauty parlor are considered the income and deductions of the wife. See paragraph (a) of § 1.1402(a)-8.

(4) *Partnership income.* If any portion of a spouse's distributive share of the income of a partnership of which such spouse is a member is community income for the taxable year, all of that distributive share shall be treated as the income of that spouse and shall not be taken into account in determining the income of the other spouse. If both spouses are members of the same partnership, the distributive share of the income of each spouse which is community income shall be treated as the income of that spouse. See paragraph (b) of § 1.1402(a)-8. A spouse's distributive share of such income of a partnership shall be determined as provided in section 704, and the regulations thereunder.

(5) *Income from separate property.* Any community income for the taxable year, other than income described in section 981(b) (1) or (2) and subparagraph (2), (3), or (4) of this paragraph, which is derived from the separate property of one of the spouses shall be treated as the income of that spouse. The determination of what property is separate property for this purpose shall be made in accordance with the laws of the foreign country which, in accordance with subparagraph (1) of this paragraph, has jurisdiction to determine that the income from such property is community income.

(6) *Other community income.* Any community income for the taxable year, other than income described in section 981(b) (1), (2), or (3), and subparagraph (2), (3), (4), or (5) of this paragraph, shall be treated as the income of that spouse who has a proprietary vested interest in that income under the laws of the foreign country which, in accordance with subparagraph (1) of this paragraph, has jurisdiction to determine that such income is community income. Thus, for example, this subparagraph applies to community income not described in subparagraph (2), (3), (4), or (5) of this paragraph which consists of dividends, interest, rents, royalties, or gains, from community property or of the earnings of unemancipated minor children.

(7) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). H, a nonresident alien individual and W, a U.S. citizen, each of whose taxable years is the calendar year, were married throughout 1967. H and W were residents of, and domiciled in, foreign country Z during the entire taxable year. During 1967, H earned \$10,000 from the performance of personal services as an employee. H also received \$500 in dividend income from stock which under the community property laws of country Z is considered to be the separate property of H. W had no separate income for 1967. Under the community property laws of country Z all income earned by either spouse is considered to be community income, and one-half of such income is considered to belong to the other spouse. In addition, such laws of country Z provide that all income derived from property held separately by either spouse is to be treated as community income and treated as belonging one-half to each spouse. Thus, under the community property laws of country Z, H and W are both considered to have realized income of \$5,250 during 1967, even though such laws recognize the stock as the separate property of H. If the election under this section is in effect for 1967, under the rules of subparagraphs (2) and (5) of this paragraph all of the income of \$10,000 derived during 1967 shall be treated, for U.S. income tax purposes, as the income of H.

Example (2). The facts are the same as in example (1) except that H is the sole proprietor of a retail merchandising company and such company has a \$10,000 profit during 1967. W exercises no management and control over the business. In addition, H is a partner in a wholesale distributing company, and his distributive share of the partnership profit is \$5,000. Both of these amounts of income are treated as community income under the community property laws of country Z, and under such laws both H and W are treated as realizing \$7,500 of such income. If the election under this section is in effect for 1967, under the rule of subparagraphs (3) and (4) of this paragraph all \$15,000 of such income shall be treated as the income of H for U.S. income tax purposes.

Example (3). The facts are the same as in example (1) except that H also received \$1,000 in dividends on stock held separately in his name. Under the community property laws of country Z the stock is considered to be community property; and the dividends, to be community income, one-half of such income being treated as the income of each spouse. If the election under this section is in effect for 1967, under the rule of subparagraph (6) of this paragraph, \$500 of the dividend income shall be treated, for U.S. income tax purposes, as the income of each spouse.

(c) *Time and manner of making or terminating an election—(1) In general.* A citizen of the United States and his nonresident alien spouse shall, for the first taxable year beginning after December 31, 1966, for which an election under section 981(a) and this section is to apply, make the election by filing a return, an amended return, or a claim for refund, whichever is proper, for such taxable year and attaching thereto a statement that the election is being made and that the requirements of paragraph (a) (2) of this section are met for such taxable year. The statement must show the name, address, and account number, if any, of each spouse, the name and address of the executor, administrator, or other person making the election for a deceased spouse, the taxable year to which the election applies, and the name

of the foreign country or countries having jurisdiction to determine the ownership of any income being treated in accordance with section 981(b) and paragraph (b) of this section. The statement must be signed by both persons making the election. Copies of any relevant community property laws of such foreign country or countries must also be submitted with the election, except that, if such laws are not in the English language, properly authenticated translations of such laws must be submitted. An election under this section may be made only for a taxable year which, on the date of the election, as defined in paragraph (b) of § 1.981-3, is open within the meaning of section 981(e) (2) and paragraph (a) of § 1.981-3.

(2) *Termination only with consent of Director of International Operations*—(i) *In general.* An election under this section for any taxable year is binding and may not be revoked. The election shall also remain in effect for all subsequent taxable years of the spouses for which the requirements of paragraph (a) (2) of this section are met and which on the date of the election are open, within the meaning of paragraph (a) of § 1.981-3, unless the election is terminated for any such subsequent taxable year or years in accordance with subdivision (ii) of this subparagraph. Any return, amended return, or claim for refund in respect of any such subsequent taxable year for which the election is in effect shall have attached thereto a copy of the statement filed in accordance with subparagraph (1) of this paragraph and an additional signed statement that for such subsequent taxable year the requirements of paragraph (a) (2) of this section are met.

(ii) *Written request to terminate required.* A request to terminate an election under this section for a subsequent taxable year or years shall be made in writing by the persons who made the election and shall be addressed to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. The request must include the name, address, and account number, if any, of each spouse and must be signed by the persons making the request. It must specify the taxable year or years for which the termination is to be effective and the grounds which justify the termination. The request shall be filed not later than 90 days before the close of the period for assessing a deficiency against the U.S. citizen for the earliest taxable year of such citizen for which the termination is to be effective. The Director of International Operations may require such other information as may be necessary in order to determine whether the termination will be permitted. A copy of the consent by the Director of International Operations to terminate must be attached to an amended income tax return for each taxable year for which the termination is effective and for which a return has previously been filed.

§1.981-2 Foreign law community income for taxable years beginning before January 1, 1967.

(a) *Election for special treatment*—(1) *In general.* For all open taxable years beginning before January 1, 1967, for which an individual citizen of the United States meets the requirements of subparagraphs (A) and (C) of section 981(a) (1) and subparagraph (2) of this paragraph, such citizen and his nonresident alien spouse may make a joint election to have section 981(c) (2) and paragraph (b) of this section apply to their income which is treated as community income under the applicable community property laws of a foreign country or countries. However, if the conditions prescribed by section 981(d) (3) and subparagraph (3) of this paragraph are met, the nonresident alien spouse is not required to join in the election and such citizen may make a separate election to have section 981(c) (2) and paragraph (b) of this section apply to such income for such taxable years. An election under section 981(c) (1) and this section shall apply to every open taxable year of such citizen and his nonresident alien spouse beginning before January 1, 1967, for which all the requirements of subparagraphs (A) and (C) of section 981(a) (1) and subparagraph (2) of this paragraph are met. It is immaterial whether such open taxable year is a taxable year subject to the provisions of the 1954 Code, the 1939 Code, or any other internal revenue law in effect before the 1939 Code. An election under section 981(c) (1) and this section has no effect for any taxable year beginning after December 31, 1966. For the definition of "open taxable year" see section 981(e) (2) and paragraph (a) of § 1.981-3. If the citizen and his nonresident alien spouse have different taxable years, see paragraph (c) of § 1.981-3. If one of the spouses is deceased, see paragraph (d) of § 1.981-3. An election under section 981(c) (1) and this section is binding and may not be revoked.

(2) *Requirements to be met.* In order for the citizen of the United States to make an election under this section, whether required to be made jointly with his nonresident alien spouse or permitted to be made separately, it is required under section 981(c) (1) that, for each taxable year to which the election applies, the citizen making the election be (i) a citizen of the United States and (ii) married at the close of the taxable year to an individual who is (a) a nonresident alien during the entire taxable year and (b), in the case of any such taxable years subsequent to the first, the same nonresident alien individual to whom the citizen was married at the close of such first taxable year. The provisions of paragraph (a) (2) of § 1.981-1 apply to determine whether a U.S. citizen making an election under section 981(c) (1) and this section is married at the close of a taxable year to an individual who is a nonresident alien during the entire taxable year.

(3) *Cases where joint election is not*

required. A nonresident alien spouse is not required to join in an election under section 981(c) (1) and this section if the Director of International Operations determines in accordance with paragraph (c) (4) of this section—

(i) That an election under section 981(c) (1) and this section would not affect the liability for Federal income tax of the nonresident alien spouse for any taxable year, whether beginning on, before, or after January 1, 1967, or

(ii) That the effect of the election on the liability of the nonresident alien spouse for Federal income tax for any such taxable year cannot be ascertained and that to deny the election to the U.S. citizen spouse would be inequitable and cause undue hardship to the U.S. citizen.

If in accordance with this subparagraph the nonresident alien spouse is not required to join in the election by the U.S. citizen, the provisions of section 981(d) (2) and paragraph (e) of § 1.981-3 shall not apply so as to extend the period for assessing deficiencies or filing a claim for credit or refund for any taxable year of the nonresident alien spouse.

(4) *Manner of electing.* The election under section 981(c) (1) and this section shall be made in accordance with the applicable rules set forth in paragraph (c) of this section.

(b) *Treatment of community income*—(1) *In general.* Community income, as defined in paragraph (b) (1) of § 1.981-1, for any taxable year beginning before January 1, 1967, to which an election under section 981(c) (1) and this section applies, and the deductions properly allocable to such income, shall be divided between the U.S. citizen and his nonresident alien spouse in accordance with the rules set forth in section 981(c) (2) and subparagraphs (2) and (3) of this paragraph. The income shall be divided in such manner even though the nonresident alien spouse is not required, in accordance with paragraph (a) (3) of this section, to join in the election by the U.S. citizen.

(2) *Earned income, business income, partnership income, and income from separate property.* All community income for any taxable year to which this paragraph applies which is treated as the income of one of the spouses in accordance with section 981(b) (1), (2), or (3) and paragraph (b) (2), (3), (4), or (5) of § 1.981-1 shall be treated as the income of that spouse for purposes of this paragraph.

(3) *Other community income.* All community income for any taxable year to which this paragraph applies, other than income described in subparagraph (2) of this paragraph, shall be treated as the income of the spouse who, for such taxable year, has a greater amount of gross income than the other spouse, determined by adding to the amount of gross income which is treated as the gross income of that spouse in accordance with subparagraph (2) of this paragraph the amount of the gross income

for the taxable year which is treated as the separate income of that spouse under the community property laws of the foreign country having jurisdiction to determine the legal ownership of the income. If either spouse dies during a taxable year, the taxable year of the surviving spouse shall be treated as ending on the date of such death for the purpose of determining which spouse has the greater amount of gross income for such taxable year. Moreover, if the U.S. citizen and his nonresident alien spouse do not have the same taxable year, as defined in section 441(b) and the regulations thereunder, the periods for which the amounts of gross income are to be compared under this subparagraph are (i) the taxable year of the citizen and (ii) that period falling within the consecutive taxable years of the nonresident alien spouse which coincides with the period covered by such taxable year of the citizen. See paragraph (c) of § 1.981-3.

(c) *Time and manner of making election*—(1) *In general.* A citizen of the United States and his nonresident alien spouse or, if subparagraph (4) of this paragraph applies, such citizen alone may make an election under section 981(c)(1) and this section at any time on or after November 13, 1966, for each and every taxable year beginning before January 1, 1967, which on the date of the election, as defined in paragraph (b) of § 1.981-3, is open within the meaning of section 981(e)(2) and paragraph (a) of § 1.981-3. The election shall be made by filing a return, an amended return, or a claim for refund, whichever is proper, for each taxable year to which the election applies and attaching thereto a statement that the election is being made and that the requirements of paragraph (a)(2) of this section are met for each such taxable year. The statement must also show the information required by subparagraph (2) of this paragraph and must, where applicable, be signed by both persons making the election. Copies of the foreign community property laws which are being applied must also be submitted with the election, except that, if such laws are not in the English language, properly authenticated translations of such laws must be submitted.

(2) *Information required.* The statement described in subparagraph (1) of this paragraph must show—

- (i) The name, address, and account number, if any, of each spouse,
- (ii) The name and address of the executor, administrator, or other person making the election for a deceased spouse,
- (iii) The taxable years to which the election applies,
- (iv) The office of the district director, or the service center, where the return or returns, if any, for such taxable year or years were filed,
- (v) The dates on which such return or returns, if any, were filed and on which the tax for such taxable year or years was paid, if the tax has been paid, and
- (vi) The name of the foreign country

or countries having jurisdiction to determine the ownership of any income being treated in accordance with section 981(c)(2) and paragraph (b) of this section.

(3) *Place for filing.* Any return, amended return, or claim for refund filed under subparagraph (1) of this paragraph in respect of any taxable year shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. (See § 1.6091-3.)

(4) *Determination that joint election is not required.* A U.S. citizen spouse entitled to make an election under section 981(c)(1) and this section for open taxable years beginning before January 1, 1967, may apply to the Director of International Operations for a determination under section 981(d)(3) that the nonresident alien spouse is not required to join in the election by such citizen. This application shall be made by filing with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, a statement setting forth the same information required by subparagraph (2) of this paragraph and such other information as is required by the Director of International Operations to justify a claim that the requirements of section 981(d)(3) and paragraph (a)(3) of this section are met. The Director of International Operations shall notify the U.S. citizen by letter of his determination with respect to the application. If the determination is that the nonresident alien spouse is not required to join in the election, a copy of the letter of determination shall be attached to each return, amended return, or claim for refund, to be filed pursuant to subparagraph (1) of this paragraph.

§ 1.981-3 Definitions and other special rules.

(a) *Open taxable years.* (1) For purposes of paragraph (a) of § 1.981-1, and paragraph (a) of § 1.981-2, a taxable year of the U.S. citizen, and the taxable year or years of his nonresident alien spouse ending or beginning within such taxable year of such citizen, shall be treated as open if the period prescribed by section 6501(a) (or section 6501(c)(4) if the period is extended by agreement) for assessing a deficiency against the citizen for his taxable year has not expired before the date of the election, determined under paragraph (b) of this section. Thus, for example, a taxable year of a U.S. citizen beginning before January 1, 1967, is open for purposes of this subparagraph if, before the election under section 981(c)(1) and § 1.981-2, such citizen has never filed a return for such year and a return was required under section 6012 without reference to section 981. For example, if a U.S. citizen spouse on a calendar year basis who has never filed a return for 1960 decides in 1975 that he wishes to make the election under section 981(c)(1) and § 1.981-2 in order to avoid being subject to tax for 1960 on his share of the community income for that year, he may in 1975 elect the benefits of section 981(c)(2) by filing an election in accordance with paragraph

(c) of § 1.981-2. In such case, a taxable year or years of the nonresident alien spouse of such citizen ending or beginning within 1960 shall be treated in 1975 as an open taxable year.

(2) Subparagraph (1) of this paragraph shall apply even though the period prescribed by section 6501 for assessing a deficiency against the nonresident alien spouse for his taxable year or years ending or beginning within the taxable year of the U.S. citizen has expired before the election is made.

(3) If either spouse dies during a taxable year to which an election under § 1.981-1 or § 1.981-2 applies, the taxable year of the decedent and the surviving spouse shall be determined under this paragraph without regard to section 981(e)(4), relating to death of spouse during the taxable year. See paragraph (a)(2) of § 1.443-1.

(4) For definition of the term "taxable year", see section 441(b) and the regulations thereunder.

(b) *Date of election.* (1) For purposes of § 1.981-1 and this section the date of an election made under section 981(a) and § 1.981-1 is the date on which the return, amended return, or claim for refund required by paragraph (c)(1) of § 1.981-1 is filed.

(2) For purposes of § 1.981-2 and this section the date of an election made under section 981(c)(1) and § 1.981-2 is the date on which the returns, amended returns, or claims for refund, required by paragraph (c)(1) of § 1.981-2 are filed.

(3) For provisions treating timely mailing as timely filing, see section 7502 and the regulations thereunder.

(c) *Spouses with different taxable years.* If the U.S. citizen and his nonresident alien spouse do not have the same taxable year, as defined in section 441(b) and the regulations thereunder, the election under § 1.981-1 or § 1.981-2 shall apply to each taxable year of such citizen in respect of which the election is made and to that period falling within the consecutive taxable years of the nonresident alien spouse which coincides with the period covered by such taxable year of the citizen.

(d) *Election on behalf of deceased spouse.* Any election, statement, or request, required to be made under paragraph (c) of § 1.981-1, or paragraph (c) of § 1.981-2, by one of the spouses may, if such spouse is deceased, be made by the executor, administrator, or other person charged with the property of such deceased spouse.

(e) *Extension of period of limitations on assessment or refund*—(1) *Assessment of deficiency.* Except as provided in subparagraph (3) of this paragraph, if an election under section 981(a) and § 1.981-1, or under section 981(c)(1) and § 1.981-2, is properly made, the period within which a deficiency may be assessed for any taxable year to which the election applies shall, to the extent the deficiency is attributable to the application of such election, not expire before one year after the date of the election,

determined under paragraph (b) of this section.

(2) *Refund of tax.* Except as provided in subparagraph (3) of this paragraph, if an election under section 981(a) and § 1.981-1, or under section 981(c)(1) and § 1.981-2, is properly made, the period within which a claim for credit or refund of an overpayment for any taxable year to which the election applies may be filed shall, to the extent the overpayment is attributable to the application of the election, not expire before one year after the date of the election, determined under paragraph (b) of this section.

(3) *Exception in case of nonelecting alien.* Subparagraphs (1) and (2) of this paragraph shall not apply to any taxable year of a nonresident alien spouse who, in accordance with paragraph (a)(3) of § 1.981-2, is not required to join in the election by the U.S. citizen spouse under section 981(c)(1) and § 1.981-2.

(f) *Payment of interest for extension period.* To the extent that an overpayment or deficiency for any taxable year is attributable to an election made under § 1.981-1 or § 1.981-2, no interest shall be allowed or paid for any period ending with the day before the date which is one year after the date of the election, determined under paragraph (b) of this section.

[FR Doc. 74-11131 Filed 5-14-74; 8:45 am]

[26 CFR Part 48]

SPORTING GOODS

Manufacturers Excise Tax

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 17, 1974. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 17, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the

hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) in order to conform such regulations to section 205(a) of the Excise Tax Reduction Act of 1965 (79 Stat. 240), and section 201 of Pub. L. 92-558 (86 Stat. 1173).

Section 205(a) of the Excise Tax Reduction Act of 1965 repealed all of the manufacturers excise taxes imposed on articles of sporting goods by section 4161 of the Internal Revenue Code of 1954, except the tax imposed on fishing rods, reels, creels, and artificial lures, baits, and flies. Section 201 of Pub. L. 92-558, amended section 4161 of the Code by adding a tax on certain bows and arrows, parts and accessories for bows and arrows, and quivers, effective with respect to sales made on and after July 1, 1974. In addition to conforming the regulations under section 4161 to the foregoing amendments, the regulations pertaining to the tax on fishing equipment would be expanded to provide additional guidance to persons concerned.

Proposed amendments to the regulations. In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4161 of the Internal Revenue Code of 1954 to section 205 (a) of the Excise Tax Reduction Act of 1965 (Pub. L. 89-44, 79 Stat. 140), and section 201 of Pub. L. 92-558 (86 Stat. 1173), such regulations are amended to read as follows:

1. Subpart K of the table of contents for the Manufacturers and Retailers Excise Taxes (26 CFR Part 48) is amended to read as follows:

Subpart K—Sporting Goods and Firearms

SPORTING GOODS

- 48.4161(a) Statutory provisions; imposition of tax; rods, creels, etc.
- 48.4161(a)-1 Imposition and rate of tax; fishing equipment.
- 48.4161(a)-2 Meaning of terms.
- 48.4161(a)-3 Parts and accessories.
- 48.4161(a)-4 Use considered sale.
- 48.4161(a)-5 Tax-free sales.
- 48.4161(b) Statutory provisions; imposition of tax; bows and arrows, etc.
- 48.4161(b)-1 Imposition and rates of tax; bows and arrows.
- 48.4161(b)-2 Meaning of terms.
- 48.4161(b)-3 Use considered sale.
- 48.4161(b)-4 Tax-free sale.
- 48.4161(b)-5 Effective date.

FIREARMS

- 48.4181 Statutory provisions; imposition of tax.
- 48.4181-1 Imposition and rates of tax.
- 48.4181-2 Meaning of terms.
- 48.4182 Statutory provisions; exemptions.
- 48.4182-1 Exempt sales.
- 48.4182-2 Other tax-free sales.

2. Subpart K of Part 48 is amended by deleting §§ 48.4161, 48.4161-1, 48.4161-2,

48.4161-3, 48.4171, 48.4171-1, 48.4171-2, 48.4171-3, 48.4172, 48.4172-1, 48.4173, 48.4173-1 and 48.4173-2 and inserting in lieu thereof the following new sections:

SPORTING GOODS

§ 48.4161(a) Statutory provisions; imposition of tax; rods, creels, etc.

SEC. 4161. *Imposition of tax.*—(a) *Rods, creels, etc.*—There is hereby imposed upon the sale of fishing rods, creels, reels, and artificial lures, baits, and flies (including parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to 10 percent of the price for which so sold.

[Sec. 4161(a) as amended by section 205(a) of the Excise Tax Reduction Act of 1965 (79 Stat. 140), and section 201 of the Act of Oct. 25, 1972 (Public Law 92-558, 86 Stat. 1173)]

§ 48.4161(a)-1 Imposition and rate of tax; fishing equipment.

(a) *Imposition of tax.* Section 4161(a) imposes a tax on the sale of the following articles of fishing equipment (including in each case parts or accessories of such articles sold on or in connection therewith or with the sale thereof) by the manufacturer, producer, or importer thereof:

- (1) Fishing rods;
- (2) Fishing creels;
- (3) Fishing reels; and
- (4) Artificial lures, baits, and flies.

The tax applies only to those items of fishing equipment specified in section 4161 (a) and this paragraph. Therefore, other items of fishing equipment, such as fishing nets, lines, hooks, sinkers, gaffs, etc., are not subject to the tax. Furthermore, the tax applies only to those specified articles of fishing equipment that are designed or constructed for use in the sport of fishing. Accordingly, the tax does not apply to those articles which, although nominally articles that are specified in section 4161 (a), are in the nature of toys or novelties that merely simulate articles of a type referred to in section 4161 (a), and are not designed or constructed for practical use in the sport of fishing.

(b) *Rate of tax.* Tax is imposed on the sale of the articles enumerated in section 4161 (a) and paragraph (a) of this section at the rate of 10 percent of the price for which such articles are sold. For the definition of the term "price" see section 4216 and the regulations thereunder.

(c) *Liability for tax.*—(1) *In general.* The tax imposed by section 4161(a) is payable by the manufacturer, producer, or importer making the sale.

(2) *Special rules.* A person who collects and sells in kit form all the materials and components necessary for the assembling of an article taxable under section 4161(a) is considered to be the manufacturer of a taxable article, and subject to tax on his sale of the kits. Anyone who supplies to another person the materials, tools, or the tools and materials, necessary for the manufacture of an article taxable under section 4161(a), with the understanding that upon completion the article will be sold

to the supplier, is considered to be the manufacturer of the finished article, and not the person who actually fabricated the article.

§ 48.4161(a)-2 **Meaning of terms.**

(a) *Fishing rods.* The term "fishing rods" includes all articles, however, designated, that are designed or constructed for use in conjunction with a fishing reel for casting a line and hook in the sport of fishing. The term does not include any article that is neither designed for use in casting, nor suitable for such use. A so-called fishing rod "blank" is not considered to be a "fishing rod" unless the blank contains an affixed handle and reel seat, or is sold in the form of a kit that contains a rod, blank, a handle, and a reel seat.

(b) *Fishing creels.* The term "fishing creels" includes all portable containers, of whatever material made, that are designed for storing and carrying fish from the time they are caught until such time as they are removed from the container for consumption or preservation. The term does not include any article primarily designed for use in the commercial fishing industry, or an article such as a collapsible wire basket designed to be hung over the side of a boat to keep fish captive and alive in the water.

(c) *Fishing reels.* The term "fishing reels" includes all mechanical and electrical devices that contain a spool for dispensing and recovering fishing line, and are designed for use with fishing rods in casting and in reeling in hooked fish in the sport of fishing. The term also includes reels designed for use with bows, in the sport of bowfishing.

(d) *Artificial lures, baits, and flies.* The term "artificial lures, baits, and flies" includes all artifacts, of whatever materials made, that are designed to be attached to a fishing line or hook to attract fish. Thus, the term includes edible material that has been processed so as to resemble an article purported to be more attractive to fish; for example, bread crumbs treated so as to simulate salmon eggs, and pork rind cut and dyed to simulate frogs, eels, or tadpoles.

§ 48.4161(a)-3 **Parts and accessories.**

(a) *In general.* The tax attaches with respect to part and accessories for articles specified in section 4161(a) and § 48.4161(a)-1 that are sold on or in connection with such articles, or with the sale thereof, at the same rate applicable to the sale of the basic articles. The tax attaches in such cases whether or not charges for the parts or accessories are billed separately. To be considered a part or accessory for an article specified in section 4161(a), an item must be either essential to the operation of the specified article, or be designed to directly improve the performance of the specified article, or to improve its appearance. For example, a carrying case for a fishing rod is not considered to be a part or accessory for a fishing rod, despite the fact that it is designed for use with the rod, because it is neither essential to the use of the rod, nor does it in any way improve its

performance or appearance. A sale of a part or accessory which would otherwise be considered a sale "on or in connection with" the sale of an article taxable under section 4161(a), is not subject to tax if the part or accessory is sold as a replacement for an identical part or accessory being sold with the taxable article.

(b) *Essential equipment.* If taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories that are essential for the operation or appearance of such articles, the separate sale of such parts or accessories to the same vendee will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article, even though the parts or accessories are shipped separately, at the same time or on a different date.

§ 48.4161(a)-4 **Use considered sale.**

For provisions relating to the tax on use of taxable articles by the manufacturer, producer, or importer thereof, see section 4218 relating to use by a manufacturer being considered a sale, and the regulations thereunder.

§ 48.4161(a)-5 **Tax-free sales.**

For provisions relating to the tax-free sales of articles referred to in section 4161(a) see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration;

(c) Section 4223, pertaining to special rules relating to further manufacture; and

(d) Section 4225, relating to exemption of articles manufactured or produced by Indians; and the regulations thereunder.

§ 48.4161(b) **Statutory provisions; imposition of tax; bows and arrows, etc.**

Sec. 4161. *Imposition of tax—(a) * * **

(b) *Bows and arrows, etc.—*

(1) *Bows and arrows.*—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

(A) Of any bow which has a draw weight of 10 pounds or more, and

(B) Of any arrow which measures 18 inches overall or more in length, a tax equivalent to 11 percent of the price for which so sold.

(2) *Parts and accessories.*—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

(A) Of any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in paragraph (1), and

(B) Of any quiver suitable for use with arrows described in paragraph (1), a tax equivalent to 11 percent of the price for which so sold.

[Sec. 4161(b) as added by section 201 of the Act of Oct. 25, 1972 (Public Law 92-558, 86 Stat. 1173)]

§ 48.4161(b)-1 **Imposition and rates of tax; bows and arrows.**

(a) *Imposition of tax.* Section 4161(b) imposes a tax on the sale of the following articles by the manufacturer, producer, or importer thereof:

(1) Any bow that has a draw weight of 10 pounds or more;

(2) Any arrow that measures 18 inches overall or more in length;

(3) Any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in subparagraph (1) or (2) of this paragraph; and

(4) Any quiver suitable for use with arrows described in subparagraph (2) of this paragraph.

(b) *Rate of tax.* The tax is imposed on the sale of articles enumerated in section 4161(b) and paragraph (a) of this section at the rate of 11 percent of the price for which such articles are sold. For the definition of the term "price", see section 4216 and the regulations thereunder.

(c) *Liability for tax—(1) In general.* The tax imposed by section 4161(b) is payable by the manufacturer, producer, or importer making the sale.

(2) *Special rules.* A person who collects and sells in kit form all the materials and components necessary for the assembling of an article taxable under section 4161(b) is considered to be the manufacturer of a taxable article, and subject to tax on his sale of the kits. Anyone who supplies another person with the materials, tools, or the tools and materials, necessary for the manufacture of an article taxable under section 4161(b), with the understanding that upon completion the article will be sold to the supplier, is considered to be the manufacturer of the finished article, and not the person who actually fabricated the article.

§ 48.4161(b)-2 **Meaning of terms.**

(a) For purposes of the tax imposed by section 4161(b), and unless otherwise expressly indicated:

(1) *Bows.* The term "bows" includes all articles made of flexible materials, that are designed to be equipped with a string and used for the propelling of arrows in the sport of archery (target shooting), or in hunting or fishing.

(2) *Arrows.* The term "arrows" includes all articles designed or constructed to be propelled by a bow in the sport of archery (target shooting), or in hunting or fishing. The overall length of an arrow is to be measured from the point of the tip or arrow-head to the end of the arrow nock. In the case of arrows sold by the manufacturer without heads, tips, or nocks, the overall length is to include the length of the shaft plus the length of the nock and head or tip that is normally used with the particular type of arrow shaft.

(b) *Parts and accessories—(1) In general.* "Parts and accessories" for bows and arrows include all articles (other than fishing reels) suitable for inclusion in, or attachment to, a bow or arrow of the type described in section 4061(b) (1) and paragraphs (a) and (b) of this section. Examples of parts and accessories for bows are bow handles, bow limbs, bow strings, arrow rests, bow slings, bow sights, bow levels, bow tip protectors, brush buttons, camouflaged bow covers, and all other articles designed to be attached to or included in a

bow to assist in aiming or propelling an arrow, or to protect the bow while in use. Example of parts and accessories for arrows are arrow shafts, nocks, tips, heads, head adapters, and feathers.

(2) *General purpose materials and articles.* General purpose materials, and articles that are not specifically designed to directly improve the performance or appearance of bows or arrows, or to protect them while in use, are not considered to be "parts and accessories" for bows or arrows, even though such materials may be intended, after further processing, to be included in or attached to bows or arrows. An example of a nontaxable article that is designed for use with a bow, but is neither attached to a bow, nor serves a purpose directly related to the efficient use of a bow, is a carrying case for a bow. Examples of nontaxable general purpose materials or articles are glues and cements, feathers before they are prepared for use with arrows, and bowstring thread before it is processed into bowstrings. Arrow-shaft materials is considered to be a taxable part for an arrow, unless the manufacturer, producer, or importer can establish that the particular material is unsuitable for use in the manufacture of arrows that are subject to the tax imposed by section 4161 (b) (1) (B). In addition, the term "parts and accessories" does not include articles in the nature of expendable supplies, even though such articles are designed to be applied to, or used with, bows or arrows. Examples of such supply materials are bowstring wax, and archery powder.

(c) *Quivers.* The term "quivers" includes all articles, of whatever material made, that are designed to contain, and to provide ready access to, taxable arrows during the time an archer is engaged in target shooting, hunting, or fishing. The term does not include any article designed solely for storing or transporting arrows during times when the arrows are not in use.

§ 48.4161(b)-3 Use considered sale.

For provisions relating to the tax on use of taxable articles by the manufacturer, producer, or importer thereof, see section 4218 relating to use by a manufacturer considered a sale, and the regulations thereunder.

§ 48.4161(b)-4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4161 (b) see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration;

(c) Section 4223, pertaining to special rules relating to further manufacture; and

(d) Section 4225, relating to exemption of articles manufactured or produced by Indians; and the regulations thereunder.

§ 48.4161(b)-5 Effective date.

The taxes imposed by section 4161 (b) are effective with respect to sales made on and after July 1, 1974.

[FR Doc.74-11218 Filed 5-14-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

**FLATHEAD IRRIGATION PROJECT,
MONTANA**

**Proposed Operation and Maintenance
Rates**

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2t, 10 BIAM 7.0 sections 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1974 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Montana 59865, on or before June 14, 1974.

1. Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of \$4.40 per acre, for the season of 1974 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and ninety-four cents (\$2.94) per acre foot or fraction thereof.

2. Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of \$4.87 per acre, for the season of 1974 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to one and one-tenth acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and twenty-six (\$3.26) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of \$5.77 per acre, for the season of 1974 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and eighty-six cents (\$3.86) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc.74-11190 Filed 5-14-74;8:45 am]

[25 CFR Part 221]

**FLATHEAD IRRIGATION PROJECT,
MONTANA**

**Proposed Operation and Maintenance
Rates**

MAY 6, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.24, 221.26, and 221.28, Subchapter T, Chapter 1, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1975 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment and expression are deemed advisable. Accordingly, interested persons may submit written comments, suggestions, or arguments with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Montana, 59865, on or before June 14, 1974.

1. Sections 221.24, 221.26 and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1975 an assessment of \$477,348.58 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 86,790.65 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1975 an assessment of \$90,881.42 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,584.20 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1931, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1975 an assessment of \$38,338.23 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,473.34 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[FR Doc.74-11191 Filed 5-14-74; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 260]

FROZEN BLOCKS OF MINCED FISH FLESH

Availability of Draft Proposed Quality
Standard

MAY 8, 1974.

A Statement of Findings and Intent relative to the processing of minced fish flesh into uniformly shaped rectangular fish blocks for further manufacture into consumer items such as portion-controlled fish sticks and portions was published in the August 19, 1972, issue of the FEDERAL REGISTER (37 FR 16808). In that notice, the National Marine Fisheries Service express findings resulting from comments received from the public and private sector on the recovery processes and utilization of minced fish. One of the significant points made repeatedly by interested parties was that the newer type minced fish blocks and end products made therefrom merited appropriate research studies including delineation of quality characteristics and product defects, and the organization of these characteristics and defects into appropriate standards of quality. Since the August 1972 notice, various research activities relating to identification, classification and organization of quality and safety attributes of minced fish have been carried out.

Notice is hereby given that a draft quality standard for frozen blocks of minced fish is on display by the National Marine Fisheries Service, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Copies of the draft quality standard are being distributed to participants in the Department of Commerce voluntary Fishery Products Inspection and Safety Program, administered by NMFS. These participants are most directly affected by the draft quality standard.

Notice is also made of the Second Technical Seminar on Recovery and Utilization of Minced Fish to be held June 12-13, 1974, in Boston, Massachusetts, at the Boston Sheraton Hotel beginning at 9 a.m. The technical seminar is an open meeting, jointly sponsored by the National Marine Fisheries Service and the National Fisheries Institute. One of the topics for discussion at this seminar will be the draft quality standard for minced fish blocks, and inspection needs particular to minced fish blocks.

Persons interested in obtaining copies of the draft quality standard or desiring

further information about the technical seminar should contact Mr. J. R. Brooker, Fishery Products Inspection and Safety Program, National Marine Fisheries Service, Department of Commerce, NOAA, Washington, D.C. 20235. Any person who wishes to submit comments on the draft quality standard may do so on or before June 30, 1974.

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

[FR Doc.74-11195 Filed 5-14-74; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 73-272]

FIRST AID CERTIFICATES

Amended Licensing Regulations; Extension
of Comment Period

This notice extends the period for comments to the notice, published April 2, 1974 (39 FR 12033), proposing regulations for acceptance of First Aid Certificates other than those issued by the Public Health Service.

Because of a delay in distribution of copies of the notice, certain segments of the interested public have not had sufficient time to evaluate the proposal. The Coast Guard is desirous of obtaining all possible comments before the final rule is drafted. Therefore, the comment period will be extended 30 days, and comments will be received until June 15, 1974.

Dated: May 3, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc.74-11175 Filed 5-14-74; 8:45 am]

[46 CFR Parts 146, 148]

[CGD 74-13]

CARRIAGE OF SOLID HAZARDOUS
MATERIALS IN BULK

Proposed Changes and Transfer

The Coast Guard is considering amending the dangerous cargo regulations to transfer the requirements for the carriage of solid hazardous materials in bulk from 46 CFR 146 to 46 CFR 148 simultaneously with the transfer of the other regulations in 46 CFR 146 into 49 CFR Parts 170-189. In addition several

changes to the existing requirements for these bulk hazardous materials are being proposed.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (G-CMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 74-13), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

Public Hearing. The Coast Guard will hold a hearing on 16 July, 1974 at 0930 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation. Written summaries or copies of oral presentations are encouraged.

Closing date for comments. All communications received before August 31, 1974 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

In a separate document published on page 3022 of the January 24, 1974, issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation amended Title 49, Code of Federal Regulations. One of the purposes of that document was a proposal to combine 46 CFR 146 (except for § 146.29 and bulk solid hazardous materials) with 49 CFR Parts 170-189.

The purpose of this notice is to propose that the carriage of solid hazardous materials in bulk be transferred to 46 CFR 148. The carriage of solid hazardous materials in bulk by vessels is not intermodal in nature. Consequently, the requirements are being retained in Title 46 of the Code of Federal Regulations. Part 148 of 46 CFR has been chosen since this part and 149 will be transferred to Subchapter O by a separate document. Subchapter O deals with bulk carriage of hazardous materials.

Most of the existing requirements for the bulk carriage of solid hazardous materials have been retained in these proposed regulations. In some instances, however, new requirements have been introduced to be observed:

- (1) prior to loading (§ 148.03-5);
- (2) during transport (§ 148.03-7);
- (3) as a stowage condition (§ 148.03-11); and

(4) after completion of off-loading. (§ 148.03-13) The proposals in this area are considered necessary "housekeeping" requirements associated with the carriage of hazardous materials in bulk as well as the need to observe the cargo during transit for signs of problems that could effect the safety of the vessel.

Some of the general requirements for the carriage of hazardous materials are relevant to the carriage of these materials in bulk; consequently, they have been retained.

Requirements are being proposed for ground fishmeal or scrap and several changes to the present requirements for pelletized fishmeal are being proposed. Presently only pelletized fishmeal may be shipped in bulk (see § 146.27-27); however, the Coast Guard has been allowing the shipment of ground fishmeal in bulk for several years now. The conditions for transportation have been similar to those outlined in § 146.27-27; in addition the holds had to be inerted. Recently we were appraised that processors of fishmeal have been applying a higher level of antioxidant to the meal, thereby greatly reducing the tendency toward spontaneous heating. As a result, recent shipments of ground fishmeal were made without the need to inert the hold. The temperatures recorded during these shipments gave no indication that the fishmeal was tending toward self heating, therefore, this requirement is being excluded.

Concurrent with our efforts with regard to the higher treated fishmeal, the Inter-governmental Maritime Consultative Organization (IMCO) had under discussion conditions for the proper shipment of fishmeal. IMCO recently approved conditions for the transportation of fishmeal which closely resemble those the U.S. Coast Guard had been using to approve shipments of fishmeal treated with a higher level of antioxidant; this proposal for ground fishmeal, scrap and pelletized fishmeal, is based on the new IMCO recommendations.

Requirements are being proposed for the transportation of calcined petroleum coke at a temperature exceeding 130° F. Presently, the regulations in 46 CFR 146 do not permit "hot coke" to be transported. The Coast Guard was asked to define what was meant by "hot". A similar provision prohibiting the transportation of "hot coke" appears in 49 CFR Parts 170-189, the regulations for the land carriage of hazardous materials. After discussion with the Hazardous Materials Regulations Board, whose regulations are in 49 CFR Parts 170-189, and the Bureau of Explosives it was determined that coke at a temperature exceeding 130° F, was hot. Those who petitioned the Coast Guard for a definition of "hot" were interested in shipping calcined petroleum coke, which is normally shipped above 130° F for reasons of product purity. The only concern for calcined petroleum coke above 130° F was the high temperature, that could adversely affect the ship's structure. With this in mind, shipments of calcined

petroleum coke were permitted by special permit. Several shipments have been made without incident and the U.S. Coast Guard now proposes to adopt these requirements in the regulations.

The transfer of the requirements for the carriage of solid hazardous materials in bulk from 46 CFR 146 to 46 CFR 148 will be accomplished in the following manner:

1. In the Docket No. HM-112 appearing in the 24 January 1974 FEDERAL REGISTER it was proposed that all the hazardous materials regulations in 46 CFR 146.01 thru 46 CFR 146.28 be combined into 49 CFR 170-189 with the exception of the regulations for solid hazardous materials carried in bulk (substances which are loaded and carried on board a vessel without benefit of containers or wrappers and received and delivered by the vessel carrier without mark or count).

2. It was stated in the preamble of HM-112 that at a later date a proposal would be made to transfer bulk solids hazardous materials regulations located in 46 CFR 146 to Subchapter O.

3. If the proposal in HM-112 is adopted and those contained in this document are adopted, then in another document Parts 148 and 149 will be transferred to Subchapter O.

4. In consideration of the foregoing, it is proposed to amend Title 46 of the Code of Federal Regulation by adding Part 148—Solids in Bulk as follows:

PART 148—SOLIDS IN BULK

Subpart 148.01—General

Sec.	
148.01-1	Application/Definitions.
148.01-7	Permitted Cargoes.
148.01-9	Filing of Special Petition for Special Permit.
148.01-11	Special Permits; Standard Conditions.
148.01-13	Assignment and Certification.

Subpart 148.02—Vessel Requirements

148.02-1	Shipping Papers.
148.02-3	Dangerous Cargo Manifest.
148.02-5	Report of Hazardous Materials Incidents.

Subpart 148.03—Minimum Transportation Requirements

148.03-1	General.
148.03-3	Direction and Observation.
148.03-5	Prior to Loading.
148.03-7	During Transport.
148.03-11	Stowage Conditions.
148.03-13	Completion of Off-Loading.

Subpart 148.04—Special Additional Requirements for Certain Materials

148.04-1	Radioactive Material, Low Specific Activity (LSA).
148.04-9	Fishmeal or Scrap, Ground or Pelletized; Fishmeal or Scrap, Ground and Pelletized (Mixture).
148.04-13	Metal Borings, Shavings, Turnings, Cuttings.
148.04-15	Petroleum Coke, Uncalcined; Petroleum Coke, Uncalcined and Calcined (Mixture).
148.04-17	Petroleum Coke, Calcined, at 130° F or Above.
148.04-19	Tankage, Garbage or Rough Ammoniate, Solid.
148.04-20	Sulfur.
148.04-21	Coconut Meal Pellets (Also known as Copra Pellets).

AUTHORITY: The provisions of this Part 148 issued under R.S. 4405, as amended, 4462, as amended, 4472, sec. 6(b)(1), 80 Stat. 938; (46 U.S.C. 375, 416, 170, 49 U.S.C. 1665(b)); 49 CFR 1.46(b), (35 FR 4959), unless otherwise noted. Interpret or apply sec. 3, 68 Stat. 675; (50 U.S.C. 198); E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.

Subpart 148.01—General

§ 148.01-1 Application/Definitions.

(a) The regulations in this Part contain the conditions under which bulk shipments of solid hazardous materials may be transported on board cargo vessels or barges.

(b) For the purposes of this Part, the term "bulk" applies only to cargoes transported on board cargo vessels or barges without mark or count and which are to be directly loaded into the holds of such vessels or barges without containers or wrappers.

(c) For the purposes of this Part, the term "vessel" means a "cargo vessel or barge" which is not exempt from the provisions of 46 USC 170.

(d) For the purposes of this Part, the terms "transported" includes the various operations associated with the cargo transportation, i.e., loading, off-loading, handling, storing, stowing, carrying, etc.

(e) The term "hazardous material" is defined in Title 46 CFR 2.20-65(a). The term "hazardous materials" includes a number of specific classes, the definitions of which are contained in Title 49 CFR Parts 170-189.

§ 148.01-7 Permitted Cargoes.

(a) Only hazardous materials cargoes which are listed here may be transported on board vessels unless express authority for other cargoes is given by the Commandant in accordance with § 148.01-9 of this Part:

- Aluminum nitrate
- Ammonium nitrate fertilizer, formulation or mixture, containing less than 60 percent ammonium nitrate with no organic filler
- Ammonium sulfate nitrate
- Barium nitrate
- Calcium nitrate
- Charcoal briquets
- Coconut meal pellets (or copra pellets)
- Copra
- Ferrophosphorous
- Ferrosilicon
- Fishmeal or scrap, ground
- Fishmeal or scrap, ground and pelletized (mixture)
- Fishmeal or scrap, pelletized
- Guanidine nitrate
- Iron mass or sponge, spent
- Metal borings, shavings, turnings, cuttings
- Petroleum coke, calcined, at 130°F or above
- Petroleum coke, calcined and uncalcined (mixture)
- Petroleum coke, uncalcined
- Potassium nitrate
- Radioactive material, low specific activity (LSA)
- Sawdust
- Sodium nitrate
- Strontium nitrate
- Sulfur
- Tankage, garbage or rough ammoniate, solid

(b) A mixture or blend of two or more cargoes, one or more of which is listed in paragraph (a) of this section, will be treated as an unlisted cargo and specific

authorization by the Commandant, in accordance with § 148.01-9, for shipment in bulk is required.

§ 148.01-9 Filing of Special Petition for Special Permit.

(a) Each petition for authorization to transport an unlisted cargo or to use alternative procedures must be submitted to the U.S. Coast Guard (GMHM), 400 Seventh St. SW., Washington, D.C. 20590, and must contain the following minimum information:

(1) The regulatory provisions involved.

(2) The justification for the proposed shipments or alternative procedure, including any reasons why the current regulations are not appropriate, why the public interest would be served by the proposal, and the basis upon which the proposal would provide an equivalent degree of safety as those shipments conducted in accordance with the current regulations.

(3) A detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, tests results, previous approvals or permits, and any other supporting information.

(4) The chemical name, common name, hazard classification, form properties (chemical and physical), and characteristics of the materials covered by the proposal, including composition and ingredient percentages (specified by weight) if a mixture.

(5) Any relevant shipping or accident experience.

(6) A description of the vessel or vessels to be employed for the shipments and the U.S. ports to be involved.

(7) A statement or recommendation regarding any changes to the regulations which would be desirable to obviate the need for similar permission from the Commandant.

(8) Unless there is good reason for priority treatment, each proposal is considered in the order in which it is received. To permit timely consideration, proposals should be submitted at least 45 days before the requested effective date.

§ 148.01-11 Special Permits; Standard Conditions.

(a) Each person to whom a special permit is issued under the terms of § 148.01-9 shall comply with all requirements of this Part except as specifically provided by the terms of the special permit.

(b) Unless otherwise specified in the special permit, each shipment made under special permit must comply with the following:

(1) Each shipping paper issued and the dangerous cargo manifest prepared in connection with such shipment must bear the notation "CG Special Permit No. *" with the * to be filled in with the assigned special permit number.

(2) Each person to whom a special permit is issued shall furnish a summary of experience to the U.S. Coast Guard (GMHM), 400 Seventh St., SW., Washington, D.C. 20590, before the date of expiration of the permit and when any

amendment to the special permit is requested. The information must include the number of shipments made, tonnage of each shipment, and what vessels and U.S. ports were involved. In addition, an immediate report must be submitted to the U.S. Coast Guard (GMHM) in the event of any casualty, accident, or damaging incident which occurs as a result of transporting solid hazardous materials in bulk under the terms of the special permit.

(3) A copy of the special permit, kept current, and any amendments thereto, must be on board each vessel while transporting solid hazardous materials in bulk under the terms of a special permit. The special permit must be kept with the dangerous cargo manifest (§ 148.02-03).

(c) Each permit is subject to suspension or revocation for cause by the U.S. Coast Guard before its expiration date.

§ 148.01-13 Assignment and Certification.

(a) The National Cargo Bureau, Inc., is authorized to assist the U.S. Coast Guard in administering the provisions contained in this Part which are applicable to the transportation of solid hazardous materials in bulk on vessels with respect to;

(1) Inspection of vessels for suitability for loading such materials in bulk,

(2) Examination of stowage of such materials loaded in bulk on board vessels,

(3) Making recommendations as to stowage requirements applicable to the transportation of such materials in bulk, and

(4) Issuing of certificates of loading, setting forth that the stowage of such materials in bulk is in accordance with the applicable regulations contained in this Part.

(b) Certificates of loading from the National Cargo Bureau, Inc., are accepted as evidence of compliance with the applicable provisions of this Part with respect to the transportation of solid hazardous materials in bulk on board vessels.

Subpart 148.02—Vessel Requirements

§ 148.02-1 Shipping Papers.

(a) Carriers may not accept for transportation nor transport by vessel in bulk any solid hazardous material listed in § 148.01-7 (a) of this Part, unless the hazardous material offered for such shipment is accompanied by a shipping paper on which the following information is shown:

(1) The shipping name of the hazardous materials as listed in § 148.01-7 (a) of this Part,

(2) The quantity of the hazardous material to be transported,

(3) The name and address of the U.S. shipper or his authorized representative, as applicable, and

(4) A certification which bears the following statement, signed by the shipper or his authorized representative:

This is to certify that the above-named hazardous material is properly named, prepared, and otherwise in proper condition

for bulk shipment by vessel in accordance with the applicable regulations of the U.S. Coast Guard.

(b) For import shipments, the consignee must advise the carrier or foreign shipper (consignor) of the applicable U.S. Coast Guard regulations. The carrier or foreign shipper (consignor) must then furnish the information required in paragraph (a) of this section, as advised by the consignee, either on the shipping papers or dangerous cargo manifest.

(c) Shipping papers issued in connection with solid hazardous materials shipments in bulk must be kept on board the vessel along with the dangerous cargo manifest (§ 148.02-3 of this Part).

§ 148.02-3 Dangerous Cargo Manifest.

(a) Each vessel transporting solid hazardous materials in bulk under the terms of this Part must have on board a dangerous cargo manifest, kept in a conspicuous place on or near the bridge house, on which the following information is entered:

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign shall be substituted.)

(2) Nationality of vessel.

(3) The name of the hazardous material as listed in § 148.01-7(a) of this Part.

(4) The hold(s) in which the material is being transported.

(5) The quantity of the material loaded in each hold.

(6) Date and signature of Master or person in charge to acknowledge correctness of the dangerous cargo manifest.

§ 148.02-5 Report of Hazardous Materials Incidents.

(a) A written report must be submitted to the U.S. Coast Guard (GMHM), 400 Seventh St., SW., Washington, D.C. 20590 within fifteen days of any casualty, accident, damaging incident, or personnel injury which occurs as a direct result of transporting any hazardous materials under the provisions of this Part.

(b) This report must include the following minimum information:

(1) Name of vessel (nationality), vessels' owner, charterer or person submitting report; address of vessel's owner, charterer or person submitting report;

(2) Date and time of incident;

(3) Geographic location of incident;

(4) Hazardous material(s) involved;

(5) A detailed report of the incident; events must be reported chronologically; and

(6) Emergency action taken during incident and results (if not already explained in the report).

Subpart 148.03—Minimum Transportation Requirements

§ 148.03-1 General.

The conditions specified in this Subpart apply to each bulk shipment of a solid hazardous material listed in § 148.04 of this Part.

§ 148.03-3 Direction and Observation.

Loading or off-loading of a solid hazardous material in bulk within the navigable waters of the U.S. must be conducted only under the direction and observation of a person assigned or employed for such duty by the vessel's master or his authorized representative.

§ 148.03-5 Prior to Loading.

Prior to loading any solid hazardous material in bulk on board a vessel:

(a) Each hold must be thoroughly cleaned of all loose debris and dunnage; permanent wooden battens or sheathing may remain in such holds; and

(b) Each hold and each bilge of that hold must be dry.

§ 148.03-7 During Transport.

During the transport of a solid hazardous material in bulk, the master of the vessel shall take whatever means necessary to periodically inspect such cargo to ensure that there are no undetected increases in temperature in that cargo and that no other changes in the cargo are occurring which might affect the safety of his vessel.

§ 148.03-11 Stowage Conditions.

(a) No other hazardous materials cargo may be showed in the same hold or on deck above a hold in which a solid hazardous material in bulk is loaded.

(b) No explosive Class C, flammable liquid, flammable solid, flammable or nonflammable compressed gas, organic peroxide, or extremely toxic material may be stowed in any hold adjacent to a hold in which a solid hazardous material in bulk is loaded.

(c) All explosive Class A and/or B material must be stowed longitudinally at least one hold (or an equivalent longitudinal distance if on deck) from any hold in which a solid material in bulk is loaded.

(d) Only nonhazardous, noncombustible cargo may be stowed in a hold in which a solid hazardous material in bulk is loaded.

§ 148.03-13 Completion of Off-loading.

Upon the completion of off-loading of a solid hazardous material in bulk, each hold must be thoroughly cleaned of all residue of such material.

Subpart 148.04—Special Additional Requirements for Certain Materials

§ 148.04-1 Radioactive Material, Low Specific Activity (LSA).

(a) Authorized materials are limited to the following:

(1) Uranium or thorium ores and physical or chemical concentrates or such ores;

(2) Uranium metal, natural thorium metal and alloys of these metals; and

(3) Material of low radioactive concentration, if the estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from Group I material (see Title 49, Code of Federal Regulations, Parts 170 to 189,

inclusive) does not exceed 1 percent of the total radioactivity.

(b) Each hold used for the transportation of any of these materials must be surveyed with appropriate radiation-detection instruments after the completion of off-loading. Such holds may not again be used for the transportation of any cargo if the radiation dose rate at any accessible surface is more than 0.5 millirem per hour and there is a significant removable radioactive surface contamination.

§ 148.04-9 Fish Meal or Scrap, Ground or Pelletized; Fishmeal or Scrap, Ground and Pelletized (Mixture).

(a) The material must contain at least 6 percent moisture by weight but not more than 12 percent moisture by weight.

(b) The material must not contain more than 18 percent fat by weight.

(c) At the time of production of the material, it must be treated with at least 400 ppm antioxidant (ethoxyquin); in the case where the material contains more than 12 percent fat by weight, it must be treated with at least 1000 ppm antioxidant (ethoxyquin) at the time of production.

(d) Shipment of the material in bulk must take place within 12 months of the date of production.

(e) The material must contain at least 100 ppm antioxidant (ethoxyquin) at the time of shipment.

(f) Each shipment of the material in bulk must be accompanied by a statement in which the shipper certifies the following:

(1) The moisture content of the material,

(2) The fat content of the material,

(3) The concentration of antioxidant (ethoxyquin) in the material in ppm at the time the material is loaded on a vessel in bulk,

(4) Date and place of production of the material, and

(5) The physical state of the material (ground, pelletized, or mixture).

(g) Temperature readings must be taken 3 times a day and recorded. If the temperature of the cargo exceeds 130° F and continues to increase, ventilation to the hold must be restricted.

§ 148.04-13 Metal Borings, Shavings, Turnings, Cuttings.

(a) *Conditions for stowage and transportation.* Metal borings, shavings, turnings and cuttings may be stowed and transported in bulk if the following conditions are met:

(1) Each hold in which the article is stowed must have a fire extinguishment system that uses carbon dioxide or an equivalent to carbon dioxide with respect to fire extinguishing capability. Temporary systems are acceptable.

(2) All wooden sweat battens, dunnage and debris must be removed from the hold before the article is loaded.

(3) During loading and transporting, the bilge of each hold in which the article is stowed or is to be stowed must be as dry as practicable.

(4) During loading, the article must be compacted in the hold as frequently as practicable with a bulldozer or means that provides equivalent surface compaction. Upon completion of loading, the article must be trimmed to eliminate peaks or mounds and compacted.

(5) Other cargo may be loaded in a hold containing the article if—

(i) The cargo to be loaded in the same hold with the article is not another hazardous material as defined in this Part or a combustible material;

(ii) The loading of the article is completed first; and

(iii) The temperature of the article in the hold is 130°F or less and has not increased within at least eight hours prior to the loading of the other cargo.

(6) During loading, the temperature of the article in the pile being loaded must be less than 130°F.

(7) Upon completion of loading, the vessel may not leave the port unless—

(i) The temperature of the article in each hold is less than 150°F and, if the temperature of the article in a hold has been more than 150°F during loading, the temperature of the article has shown a downward trend below 150°F for at least eight hours after completion of loading of the hold; or

(ii) The vessel intends to sail directly to another port that is no further than twelve hours sailing time for the vessel concerned, for the purpose of loading more of the article in bulk or to completely off-load the article, and the temperature of the article is less than 190°F and has shown a downward trend for at least eight hours after completion of loading.

(b) *Temperature of article.* For the purposes of each temperature requirement of this section, the temperature of the article is the highest temperature taken between eight and fourteen inches below the surface at ten-foot intervals over its length and width.

(c) *Duties of master or person in charge.* The following rules apply to the master or person in charge of each vessel that is loading and transporting the article:

(1) The master or person in charge of a vessel that is loading or transporting the article must ensure that the temperature of the article is taken—

(i) Before loading;

(ii) During loading, in each hold and in the pile being loaded at least every twenty-four hours and, if the temperature is rising, as often as necessary to ensure the conditions in this section are met; and

(iii) After loading, in each hold at least every twenty-four hours.

(2) During loading, if the temperature of the article in a hold is 200°F or higher, the master or person in charge of the vessel must notify the Coast Guard Captain of the Port and suspend loading until the temperature of the article is less than 190°F.

(3) After loading—

(i) If the temperature of the article is 150°F or above, the master or person

in charge must notify the Captain of the Port and ensure that the vessel remains in the port area until the conditions of paragraph (a) (7) (i) of this section are met; or

(ii) In the case of a short-duration voyage to which paragraph (a) (7) (ii) of this section applies, if the temperature of the article in a hold is 190°F or above, the master or person in charge must notify the Captain of the Port and ensure that the vessel remains in the port area until the conditions of paragraph (a) (7) (ii) of this section are met.

(4) Except for shipments of the article in bulk which leave the port of loading under the conditions specified in paragraphs (a) (7) (ii) of this section, after the vessel leaves the port, if the temperature of the article in the hold rises above 149°F, the master must notify the nearest Coast Guard Captain of the Port as soon as possible of—

(i) The name, nationality, and position of the vessel;

(ii) The most recent temperature taken;

(iii) The length of time that the temperature has been above 149°F and the rate of rise, if any;

(iv) The port where the article was loaded and the destination of the article;

(v) The last port of call of the vessel and its next port of call;

(vi) What action has been taken; and

(vii) Whether any other cargo is endangered.

(5) To meet the conditions of this section, the master of a vessel that is transporting the article must ensure that each temperature taken is recorded.

§ 148.04-15 Petroleum Coke, Uncalcined; Petroleum Coke, Uncalcined and Calcined (Mixture).

The material at 130°F or above is not permitted shipment in bulk on any vessel.

§ 148.04-17 Petroleum Coke, Calcined, at 130°F or Above.

(a) The requirements of this Part do not apply to bulk shipments of petroleum coke, calcined, on any vessel when the material is less than 130°F.

(b) The material must not be loaded in cargo vessels when temperatures exceed 225°F.

(c) Other hazardous materials must not be stowed in any hold adjacent to any other hold containing this material except as stipulated in paragraph (d) of this section.

(d) In holds over tanks containing fuel or material having a flash point under 200°F, a two-to-three-foot layer of the material at a temperature not greater than 110°F must be first loaded into that hold. Only then may the material at 130°F or above be loaded into that hold.

(e) The loading of the material under the terms of this section must be as follows:

(1) For shipments in holds over fuel tanks, the loading of the two-to-three-

foot layer of the material at a temperature not greater than 110°F (as required by paragraph (d) of this section) in these holds must be completed prior to the loading of the material at 130°F or above in any hold of the vessel.

(2) Upon completion of the loading requirement outlined in paragraph (e) (1) of this section, when required, a two-to-three-foot layer of the material at 130°F or above must first be loaded in each hold (including those holds, if any, already containing a layer of the material at a temperature not greater than 110°F) in which the material is to be loaded under the terms of this section.

(3) Upon the completion of the loading of the two-to-three-foot layer of the material at 130°F or above in each hold, as required in paragraph (e) (2) of this section, the normal loading of the material at 130°F or above may proceed to completion.

(f) Personnel must be warned by the Master of the vessel or his authorized representative that calcined petroleum coke loaded and transported under the terms of this section is hot and that injury due to burns is possible.

§ 148.04-19 Tankage, Garbage or Rough Ammoniate, Solid.

(a) The material must contain at least 7 percent by weight moisture.

(b) The material must not be loaded if the temperature in the material, prior to loading, exceeds 100°F.

§ 148.04-20 Sulfur.

(a) When sulfur is loaded in a deep hold with general cargo in the tween deck hold above the sulfur, a dust proof wooden bulkhead enclosure must be built in the hatchways from the over deck of the lower hold to the weather deck forming a tight enclosure capable of preventing sulfur dust from entering the tween decks during loading.

(b) Ceiling must be made tight to prevent sulfur dust from entering the bilges; any chinking necessary in the way of tank tops or bilges must be made of non-combustible material.

(c) Cowl ventilators serving the hold into which sulfur is being loaded or discharged must be blanked off to prevent circulation of air.

(d) No smoking is permitted on board the vessel and "No Smoking" signs must be conspicuously posted.

(e) If a metal chute is used it must be grounded using a flexible cable.

(f) Upon completion of loading, the sulfur must be leveled off. Any decks, bulkheads, or overheads containing sulfur dust must be swept clean or washed down.

(g) Other cargo, which is oxygen bearing, must not be stowed in the same hold with sulfur.

(h) An oxygen breathing apparatus, or proper gas mask, must be made readily available.

(i) A fire hose, preferably supplied with fresh water from a shore supply

source, must be available at each hatch through which sulfur is being loaded.

§ 148.04-21 Coconut Meal pellets (also known as Copra pellets).

(a) Must contain at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat contents.

(b) Must not be loaded if the temperature exceeds 120° F.

(c) Must not be stowed within 4 feet of any bulkheads subject to artificial heat.

(d) Must not be overstowed with any other cargo.

(e) A clear space of at least 1 foot must be provided between the top of the cargo and underside of deck beams.

(f) Only dry dunnage must be used.

(g) At least two layers of plank dunnage must be placed on the deck or tank tops. The first layer must be laid fore and aft and the second athwartships.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.74-11176 Filed 5-14-74; 8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NW-10]

CONTROL ZONE

Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hillsboro, Oregon, Control Zone.

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, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received by June 14, 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, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

An RNAV Instrument Approach procedure has been established for the Portland-Hillsboro Airport Runway 20. A review of Hillsboro Control Zone airspace disclosed that an additional control zone extension is needed to contain the approach procedure within controlled airspace.

In consideration of the foregoing, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (39 FR 354) the description of the Hillsboro, Oregon, Control Zone is amended to read:

HILLSBORO, OREGON

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°32'15" N., Longitude 122°56'46" W.); within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; and within 2 miles each side of the 039° bearing from the airport, extending from the 5-mile radius area to 9.5 miles northeast of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airmen's Information Manual.

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

Issued in Seattle, Washington, on May 7, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-11134 Filed 5-14-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NW-08]

TRANSITION AREA

Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Coeur D'Alene, Idaho, Transition Area.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received by June 14, 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 light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A new VOR approach procedure is proposed for the Coeur D'Alene Air Terminal, Coeur D'Alene, Idaho. A review of the airspace requirements for the new procedure revealed that additional 700' Transition Area airspace would be required to provide controlled airspace protection for aircraft executing the proposed procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Coeur D'Alene, Idaho, Transition Area would be amended to read as follows:

COEUR D'ALENE, IDAHO

That airspace extending upward from 700 feet above the surface within 5-mile radius of Coeur D'Alene Air Terminal (Latitude 47°46'30" N., Longitude 116°49'04" W.) and within 9.5 miles north and 5 miles south of the Post Falls VOR (Latitude 47°44'57" N., Longitude 116°56'49" W.) 073° and 253° radials extending from 6 miles east to 18.5 miles west of the VOR.

(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 Seattle, Washington, on May 7, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-11135 Filed 5-14-74; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

UNITED STATES SECURITIES

Issuances Bearing Facsimile Signatures of Former Secretaries of the Treasury

Pursuant to the provisions of 5 U.S.C. 301, in the issue of United States securities under the Second Liberty Bond Act, as amended, codified in Title 31, Chapter 12, United States Code, I hereby authorize the use of all stocks on hand, or in order, bearing the signature of any former Secretary of the Treasury, where (1) such securities are issued as an additional issue or under a continuing offer; or (2) such securities are to be issued pursuant to a new offer heretofore or hereafter made and stocks therefor bearing my signature are not available for timely delivery.

This authorization shall be effective immediately.

Dated: May 8, 1974.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-11166 Filed 5-14-74; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY AVIATION SYSTEMS COMMAND

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

The U.S. Army Aviation Systems Command (AVSCOM), will conduct a meeting of the Scientific Advisory Group for Aviation Systems (SAGAS), 0900 hours, June 12, 1974 thru 1200 hours, June 13, 1974, at The Lewis Directorate, U.S. Army Air Mobility Research and Development Laboratory, Cleveland, Ohio. The meeting will consist of a tour of the facilities and discussion of classified defense information. The meeting will not be opened to the public.

Any additional information concerning the above may be obtained from Mr. B. Thomas Horace, Executive Secretary, SAGAS, Autovon 698-3821.

By authority of the Secretary of the Army.

R. B. BELNAP,
Special Advisor to TAG.

MAY 9, 1974.

[FR Doc.74-11196 Filed 5-14-74; 8:45 am]

POSTAL SERVICE

POSTAL SERVICE ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that a meeting of the Postal Service Advisory Council will be held on Wednesday, June 5, 1974, in room 206, USPS Training and Development Institute, 7900 Wisconsin Avenue NW, Washington, D.C., starting at 9:30 a.m.

The Postal Service Advisory Council was established by 39 U.S.C. 206, which provides that "(t)he Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations."

The meeting has been called for consideration by the Council of the work of the Training and Development Institute. The meeting is open to the public. Persons wishing to be present or to obtain further information on this meeting should contact Mrs. Rita Moroney, Office of the Postmaster General, room 10171, U.S. Postal Service, 475 L'Enfant Plaza West, SW, Washington, D.C. Mrs. Moroney's telephone number is 202-245-5343.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-11172 Filed 5-14-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S1491]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 74-9204 appearing on page 14363 in the issue of Tuesday, April 23, 1974, the sixth line of the land description for Mount Diablo Meridian should read as follows:

Sec. 19, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

BURNS DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Burns District Grazing Advisory Board, Oregon 2, will meet at 8 a.m. on June 11, 1974, at the Bureau of Land Management District Office, 74 South

Alvord, Burns, Oregon. The meeting will be held over a 2 day period, June 11 and 12, for the purpose of inspecting wild-horse use, range and watershed conditions, and grazing management in the Andrews Resource Area.

Prior to the tour, time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Mr. James Sitz. Mr. Sitz may be contacted by writing a letter in care of the Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720. Telephone number 503-573-2071.

Dated: May 7, 1974.

L. CHRISTIAN VOSLER,
District Manager.

[FR Doc.74-11193 Filed 5-14-74; 8:45 am]

[Serial No. I-6302 et al.]

IDAHO

Proposed Classification

Lands located in Fremont County have been examined and found suitable for State Indemnity Lieu Selection. Therefore, it is proposed to classify the following described lands as suitable for disposal through State Indemnity Lieu Selection (43 CFR 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. 13 N., R. 41 E.,
 Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, lots 3 and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, S $\frac{1}{2}$;
 Sec. 13, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 13 N., R. 42 E.,
 Sec. 7, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, lots 1-6 inclusive, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$;
 Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 17, all;
 Sec. 18, lots 1-4 inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 19, lots 1-4 inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 20, all;

Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.
 T. 14 N., R. 43 E.,
 Sec. 2, lot 3.
 T. 15 N., R. 43 E.,
 Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 16 N., R. 43 E.,
 Sec. 31, lot 3;
 Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 14 N., R. 44 E.,
 Sec. 5, lots 1 and 2;
 Sec. 7, lots 1, 2, 3, and 8;
 Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 15 N., R. 44 E.,
 Sec. 31, lot 8.
 T. 16 N., R. 44 E.,
 Sec. 31, E $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains approximately 7,997.58 acres of National Resource Lands.

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. The lands are in scattered locations and are not part of any integrated management area.

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.

Until July 15, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views to the Idaho Falls District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: May 7, 1974.

For the State Director.

WALTER JONES,
 District Manager.

[FR Doc. 74-11194 Filed 5-14-74; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-414]

ZAPATA WESTERN SHIPHOLDINGS, INC.

Notice of Application

Notice is hereby given that Zapata Western Shipholdings, Inc., has filed application dated January 21, 1974, supplemented March 20, 1974, under the Merchant Marine Act, 1936, as amended, (the Act), for operating-differential subsidy on two ore/bulk/oil vessels (to be constructed) of approximately 80,000 deadweight tons each, which are to be employed in U.S. foreign trade. Since Zapata Coastal Transport, and affiliate of Zapata Western Shipholdings, Inc., plans to operate crude oil carriers in

domestic trade between Alaska and the continental United States, written permission of the Maritime Administration under Section 805(a) of the Act will be required by Zapata Western Shipholdings, Inc., if its application for operating-differential subsidy is approved.

Zapata Western Shipholdings, Inc., advises that at the present time its affiliate, Zapata Coastal Transport, does not own or charter any vessels and consequently is not engaged in domestic trades. However, Zapata Coastal Transport's immediate plans cover operation of two to four crude oil carriers from Alaska to ports on the West, Gulf or East Coasts of the United States. Therefore, Zapata Western Shipholdings, Inc. is applying for permission for its affiliate, Zapata Coastal Transport, Inc., to operate up to four tankers of from 90,000 DWT to 150,000 DWT primarily in the transportation of crude oil from Alaska to the West, Gulf or East Coasts of the United States.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4085, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on May 28, 1974, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administration.

Dated: May 10, 1974.

JAMES S. DAWSON, Jr.,
 Secretary.

[FR Doc. 74-11216 Filed 5-14-74; 8:45 am]

National Bureau of Standards

PROPOSED REVISION TO FEDERAL INFORMATION PROCESSING STANDARD 21—COBOL

Requests for Comments

NOTE: FR Doc. 74-10536 was published on page 16501 in the issue of Thursday, May 9, 1974. Part of this document was inadvertently omitted. For the convenience of the reader, we are republishing this document in its entirety as set forth below:

Under the provisions of Pub. L. 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed revision to Federal Information Processing Standard 21—COBOL is being recommended for Federal use. It is based on the Federal adoption of the voluntary industry standard that has been developed by the American National Standards Institute. This proposed revision supersedes FIPS PUB 21 and reflects major changes and improvements to the earlier COBOL specification.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The first section is provided in its entirety in this notice.

Interested parties may obtain a copy of the technical specifications from and may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before August 7, 1974.

Dated: May 2, 1974.

RICHARD W. ROBERTS,
 Director.

PROPOSED FEDERAL INFORMATION, PROCESSING STANDARDS PUBLICATION 21-1

Date -----

ANNOUNCING THE STANDARD FOR COBOL

Federal Information Processing Standards Publications are issued by the National Bureau of Standards in accordance with the provisions of Pub. L. 89-306 and Executive Order 11717.

1. *Name of Standard.* COBOL (FIPS PUB 21-1).

2. *Category of Standard.* Software Standard, Programming Language.

3. *Explanation.* This FIPS PUB announces the adoption of American National Standard COBOL, X3-----, as amplified herein as a Federal Standard. This revision supersedes FIPS PUB 21 and reflects major changes and improvements to the COBOL specifications. The American National Standard de-

defines the elements of the COBOL Programming Language and the rules for their use. The standard is used by implementors as the reference authority in developing compilers and by users for writing programs in COBOL. The primary purpose of the standard is to promote a high degree of interchangeability of programs for use on a wide variety of information processing systems. Other languages, appropriate for applications that are not adequately serviced by COBOL, are being considered for adoption as Federal Standards.

4. *Approving authority.* Secretary of Commerce.

5. *Maintenance agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross index.* American National Standard X3....., COBOL.

7. *Related documents.* a. Federal Information Processing Standards Publication 29, Procedures For Processing Interpretations For Federal Standard COBOL. (To be published in the near future.)

b. Federal Property Management Regulation 101-32.1305-1, Implementation of Federal Information Processing Standards Publications (FIPS PUB) Into Solicitation Documents, Software Standards.

c. Federal Property Management Regulation....., COBOL Compiler Validation. (To be published in the near future.)

d. Federal Information Processing Standards Publication....., Aids for COBOL Program Conversion (FIPS Pub 21 to FIPS Pub 21-1). (To be published in the near future.)

8. *Objectives.* The basic objectives in applying Federal Standard COBOL are (1) to achieve the long-recognized advantages that are inherent in the use of higher level languages, and (2) to maximize and protect program investments by making it easier and less expensive to exchange programs among different computer systems, including replacement systems.

The attainment of these objectives, from a Government-wide point of view, depends upon the widespread use of Federal Standard COBOL. Thus, the general intent of this FIPS PUB is to provide a standard language that can be used in programming information processing applications except in circumstances, discussed below, where such use would not be advantageous.

9. *Applicability.* Federal Standard COBOL will be used in programming computer applications and programs that emphasize the manipulation of characters, records, files and input/output (as contrasted with those concerned primarily with computational problem solving) which are developed or acquired for Government use. Specifically, the standard will be used for such applications whenever—

The application is being designed and programmed centrally for a decentralized system that employs computers of different makes, models, and configurations.

The program will or might possibly be run on equipment other than that for which the program is initially written.

It is anticipated that the life of the program will be longer than the life of the presently installed equipment.

The application or program is under constant review for updating of the specifications, and changes may result frequently.

The advantages of the use of this higher level language can accrue locally irrespective of interchange potential (e.g. ease of coding, ease of documentation, improved understanding, and ease of debugging).

Exceptions to the use of Federal Standard COBOL may be made when:

a. A comparative analysis shows that the advantages inherent in the use of Federal Standard COBOL are clearly offset by even greater advantages obtainable through use of an alternative language. The language selection should be made in consideration of the Government's overall objectives. Such exceptions to the use of Federal Standard COBOL shall be subject to a waiver procedure approved by the head of the agency. The special circumstances identified in paragraphs b through e below are exempted from the requirement for a waiver at the discretion of the head of an agency. See Paragraph 12, Waivers.

b. The program requirements are more economically and efficiently satisfied through the use of report generation, data base management, or text processing languages.

c. The program is to be processed on systems for which COBOL compilers are normally not developed. If, however, a COBOL compiler is available on a system other than the target system and the compiler generates object code for the target system (cross-compiler), COBOL should be used to the extent practicable.

d. The program is to be processed on systems that are in the Federal Inventory and for which a standard COBOL compiler is not available.

e. The computer installation is oriented toward the use of scientific and engineering applications in which case incidental information processing applications may be programmed in locally used languages.

Federal agencies should give special attention to ensuring that programs for applications that will or are likely to be used by organizations outside the Federal Government (i.e., state and local governments and others) are written and made available in Federal Standard COBOL, in order to provide maximum interchangeability in their use.

10. *Specifications.* Federal Standard COBOL specifications are the language specifications contained in American National Standard COBOL, X3..... For purposes of Federal Standard COBOL, the modules defined in X3..... are combined into four levels (see paragraph 10.1, Levels). Additionally, minimum compiler specifications are provided herein for certain language elements contained in X3..... where an undefined number of repetitions is allowed in a defined syntax (see paragraph 10.2, Minimum Compiler Specifications).

10.1 *Levels.* The four levels of Federal Standard COBOL are identified as: Low, Low-Intermediate, High-Intermediate, and High. Each Federal Standard COBOL level is composed of either the high or low levels of the nucleus and ten of the eleven Functional Processing Modules (FPM's) defined in X3..... The four Federal Standard COBOL levels are reflected in the following table. The numbers in the table refer to the level within the FPM or nucleus as designated in X3....., and a dash in the table denotes that the corresponding FPM is omitted.

	Low level	Low intermediate level	High intermediate level	High level
Nucleus.....	1	1	2	2
FUNCTIONAL PROCESSING MODULES				
Table handling.....	1	1	2	2
Sequential I-O.....	1	1	2	2
Relative I-O.....	1	1	2	2
Indexed I-O.....				2
Sort-merge.....				2
Report writer.....			1	2
Segmentation.....		1	1	2
Library.....		1	1	2
Debug.....		1	2	2
Interprogram communication.....		1	2	2
Communication.....			2	2

NOTE.—The "Report Writer" module is not mandatory in any Federal Level. However, the specifications contained in X3..... should be used to the extent practical, consistent with the requirements.

10.2 *Minimum compiler specifications.* The specifications contained in X3..... include some language elements whose syntactic definition allow an unspecified number of repetitions of portions of the format. Within Federal Standard COBOL, these language elements are identified and minimum compiler specifications are provided. The purpose of defining minimum specifications for compilers for these elements is to simplify the problems of producing application programs that are portable across various systems. The success of writing a portable program often depends on the amount of effort devoted to determining the limitations inherent in all the compilers for which the program is written. The minimum specifications contained herein are not intended to be ceilings. Compilers can, therefore, be built to handle any number of occurrences of a specific language element considered desirable so long as the implementation provides the relevant minimum capabilities.

In the following list, the language elements are organized by FPM. They are listed in the order in which they appear within the module. The values in the "low" and "high" columns represent the minimum specifications for the low-level or high-level, respectively, of each module defined in X3..... The following meanings are applicable to the entries in the "low" and "high" columns.

a. "0" indicates the feature is not available in that level of the module or that the module is null.

b. "1" indicates a minimum imposed because of subsetting within the FPM.

c. "I" indicates the feature is implementor-defined and thus minimum specifications are not appropriate.

d. "U" indicates that whatever is presented in the source program must be accepted by the compiler. This implies that, for the given language element there are known compiling techniques such that the source program is not limited in the use of the capabilities of that language element.

e. "L" indicates there may be an implementor-defined limit to the number of operands or the size of the operand or both in an ACCEPT or DISPLAY statement depending upon the specific device that is the object of the statement. Any such limitation must be described in the programmer's manual that accompanies the compiler. This specification is applicable only to low-level nucleus.

Language element	Specifications	
	Low	High
1 NUCLEUS:		
1.1 IDENTIFICATION DIVISION:		
1.1.1 IDENTIFICATION DIVISION:	U	U
1.2 SPECIAL NAMES Paragraph:	I	I
1.2.1 IDENTIFICATION DIVISION:	2	256
1.2.2 ALPHABET-NAME CLAUSES:	0	256
1.2.3 ALPHABET-NAME CLAUSES:	0	0
1.2.4 ALPHABET-NAME CLAUSES:	0	0
1.3 DATA DESCRIPTION:	0	0
1.3.1 VALUE clause literals specified in an 83-level data description entry:	L	U
1.4 CONTINUED CONDITION (Number of Conditions):	U	U
1.5 ACCEPT STATEMENT:	U	U
1.6 ADD STATEMENT:	U	U
1.6.1 Sending operands:	U	U
1.6.2 Receiving operands:	U	U
1.7 ALTER STATEMENT:	U	U
1.7.1 Procedure-name phrases:	U	U
1.8 COMPUTE STATEMENT:	U	U
1.8.1 Receiving operands:	U	U
1.9 DISPLAY STATEMENT:	U	U
1.9.1 Sending operands:	U	U
1.10 DIVIDE STATEMENT:	U	U
1.10.1 Receiving operands:	U	U
1.11 GO STATEMENT:	U	U
1.11.1 Procedure-names:	U	U
1.12 IF STATEMENT:	U	U
1.12.1 Nested IF statements (depth of nesting):	0	25
1.13 INSPECT STATEMENT:	U	U
1.13.1 Conditions for TALLYING and/or REPLACING:	U	U
1.14 MOVE STATEMENT:	U	U
1.15 MULTIPLY STATEMENT:	U	U
1.15.1 Receiving operands:	U	U
1.16 STRING STATEMENT:	U	U
1.16.1 Sending operands (with each delimiter):	U	U
1.16.2 Delimiters:	U	U
1.17 SUBTRACT STATEMENT:	U	U
1.17.1 Receiving operands:	U	U
1.18 UNSTRING STATEMENT:	U	U
1.18.1 Receiving operands:	U	U
1.18.2 DELIMITED BY phrases:	U	U
2 TABLE HANDLING:		
2.1 OCCURS Clause:	3	3
2.1.1 Nested OCCURS Clauses (dimensions of Tables):	0	U
2.1.2 KEY data-names (any combination of ASCENDING/DESCENDING):	12	U
2.1.3 Index-names:	U	U
2.2 SEARCH STATEMENT:	U	U
2.2.1 WHEN conditions:	U	U
2.3 SET STATEMENT:	U	U
2.3.1 Receiving operands:	U	U
3 I-O MODULES:		
3.1 FILE-CONTROL Paragraph:	18	60
3.1.1 FILE-CONTROL entries (number of files):	0	U
3.1.2 ASSIGN implementor-names:	U	U
3.1.3 ALTERNATE RECORD keys:	U	U
3.2 I-O-CONTROL Paragraph:	18	60
3.2.1 REWIND Clauses:	18	60
3.2.2 SAME Clauses:	18	60
3.2.3 File-names in single SAME clause:	0	U
3.2.4 MULTIPLE FILE file-names:	0	U
3.3 File Description Entry:	U	U
3.3.1 VALUE OF implementor-names:	U	U
3.3.2 DATA RECORDS data-names (documentation only):	U	U
3.4 CLOSE STATEMENT:	U	U
3.4.1 File-names:	U	U
3.5 OPEN STATEMENT:	U	U
3.5.1 File-names:	U	U
3.6 USE AFTER EXCEPTION/ERROR file-names:	U	U

Language element	Specifications	
	Low	High
4 SORT/MERGE:		
4.1 I-O-CONTROL Paragraph:	U	U
4.1.1 SAME SORT AREA file-names:	U	U
4.2 SORT Description:	U	U
4.2.1 DATA RECORDS data-names (documentation only):	0	20
4.3 MERGE Statement:	0	16
4.3.1 KEY data-names (any combination of ASCENDING/DESCENDING):	10	20
4.3.2 USING file-names:	1	16
4.4 SORT Statement:	U	U
4.4.1 KEY data-names (any combination of ASCENDING/DESCENDING):	U	U
4.4.2 USING file-names:	U	U
5 REPORT WRITER:		
5.1 File Description Entry:	U	U
5.1.1 VALUE OF implementor-names:	U	U
5.1.2 REPORT data-names:	U	U
5.2 Report Description Entry:	U	U
5.2.1 CONTROL Clause-control data items:	U	U
5.3 Report Group Description Entry:	U	U
5.3.1 SUM Clause:	U	U
5.3.1.1 Addends:	U	U
5.3.1.2 UPON data-names:	U	U
6 INITIATE STATEMENT:		
6.1 COPY Statement:	U	U
6.1.1 REPLACING operands:	U	U
7 DEBUG:		
7.1 USE Statement:	U	U
7.1.1 Conditions for executing a given debug procedure:	U	U
8 INTER-PROGRAM COMMUNICATIONS:		
8.1 Procedure Division Header:	31	31
8.1.1 USING phrase data-names:	U	U
8.2 CALL Statement:	U	U
8.2.1 USING phrase data-names:	U	U
8.3 CANCEL Statement:	U	U
8.3.1 Program-names:	U	U
9 COMMUNICATIONS:		
9.1 Communication Description Entry:	U	U
9.1.1 DESTINATION TABLE:	U	U
9.1.1.1 Number of occurrences:	U	U
9.1.1.2 Number of index-names:	U	U

1. Although the "Report Writer" module is not mandatory in any Federal Level, if it is requested, these specifications apply.

The above minimum compiler specifications are defined for each language element independent of any interaction with other language elements. It is possible, therefore, that a given program may not compile because of total system resource limitations, even though none of the minimums has been exceeded. The considerations determining the limitations imposed on the source program will be described in the programmer's manual that accompanies the compiler.

11. *Implementation.* Implementation of Federal Standard COBOL is divided into four areas of consideration: acquisition of COBOL compilers, conformance to Federal Standard COBOL, interpretation of Federal Standard COBOL, and use of COBOL in application programs.

11.1 *Acquisition of COBOL compilers.* The provisions reflected in this FIPS publication are effective upon the date this document is approved. All COBOL compilers specified for procurement on or after the effective date must be identified as implementing one of the levels of Federal Standard COBOL. In order to allow adequate time for implementation of compilers that conform to Federal Standard COBOL, delivery of such compilers may be deferred to, but not to exceed, 18 months after the effective date of this FIPS publication. The requirements set forth in this paragraph are applicable to

compilers developed in-house, compilers acquired as part of an ADP system procurement, compilers acquired by separate procurement and compilers used under an ADP leasing arrangement. These requirements are not applicable to orders placed before the effective date of this FIPS publication for compilers to be delivered subsequent to the effective date.

11.2 *Conformance to Federal Standard COBOL.* A compiler implemented in conformance to Federal Standard COBOL must satisfy at least the following requirements:

a. The implementation must include all of the language elements of at least one of the levels of Federal Standard COBOL.

b. The implementation must satisfy all of the minimum compiler requirements defined in Paragraph 10.2, Minimum Compiler Specifications.

c. The implementation must satisfy all of the requirements defined in American National Standard COBOL, X3. -----, Section I, paragraph 1.5, Definition of An Implementation of American National Standard COBOL. Any requirement stated herein that may differ from the requirements for an implementation of American National Standard COBOL take precedence over the requirements stated in X3.-----

d. The implementation must provide a facility for the user to optionally specify a level of Federal Standard COBOL for monitoring his source program at compile time. The monitoring will be an analysis of the syntax used in a source program against the syntax included in the specified level of Federal Standard COBOL. Any syntax used in the source program that does not conform to that allowed by the user selected level of Federal Standard COBOL will be diagnosed. The syntax diagnosed as not conforming to the specified level will be identified to the user through a diagnostic message on the source program listing. The diagnostic message will contain, at least: (1) the identification of the source program line number in which the non-conforming syntax occurs, and (2) the identification of the level of Federal Standard COBOL that supports the syntax or that the syntax is non-standard COBOL.

In order to confirm that an implementation satisfies the requirements of a designated level of Federal Standard COBOL, validation routines (which include the Report Writer module) have been developed and approved for testing COBOL compilers. A Federal COBOL Compiler Testing Service (FCCTS) also is available to provide validating services. For further information regarding validation see FPMP ----- (see paragraph 7c) or contact:

Director, Federal COBOL Compiler Testing Service, Department of the Navy, ADPE Selection Office, Washington, D.C. 20376.

11.3 *Interpretation of Federal standard COBOL.* During the use of Federal Standard COBOL, whether implementing compilers, validating compilers or writing source programs, questions may arise from time to time as to the meaning of specific language specifications. It is desirable when this happens to apply a solution to these questions that can be used uniformly throughout the Federal Government and by all implementors of Federal Standard COBOL and the Report Writer module. To achieve this objective, a Federal COBOL Interpretations Committee has been organized. Procedures for processing interpretation of Federal Standard COBOL are provided in FIPS Publication 29 (paragraph 7a). For further information contact:

Chairman, Federal COBOL Interpretations Committee, Computer Science Section, System and Software Division, Institute

for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

11.4 *Use of COBOL.* Federal Standard COBOL will be used as defined in Paragraph 9, Applicability, as soon as compilers that conform to the standard are available and acquired. It is not intended that existing programs be rewritten solely for the purpose of conforming to the standard.

Programs should, to the extent practicable, be limited to the elements of one of the specified levels of Federal Standard COBOL. It should be recognized that the use of any non-standard language elements may compromise interchangeability of programs between various systems or may complicate future conversion to a replacement system. Extensions should, therefore, be employed only when their use will result in efficiencies that clearly outweigh the difficulties they may cause. To the extent that specifications for the required extensions have already been included in the CODASYL COBOL Journal of Development, use of these specifications should minimize future conversion difficulties.

12. *Waivers.*—12.1 *Policy.* Heads of agencies are permitted to waive the requirements stated in this FIPS publication in the following circumstances. Each waiver will cover only the specific requirements of the FIPS publication related to the need for a waiver.

a. A waiver may be granted for an exception to any of the requirements stated in this FIPS publication provided it can be clearly demonstrated that there are appreciable and continuing performance or cost advantages to be gained or that the extenuating circumstances are such that the overall interests of the Federal government are served by granting the requested waiver.

b. Special capabilities may be required to accommodate the needs of a particular application that can not be achieved through the use of Federal Standard COBOL. A waiver must be obtained before these special capabilities are specified for implementation or acquisition. Requests for waiver must clearly demonstrate an appreciable and continuing performance or cost advantage will be obtained through use of these special capabilities.

12.2 *Reporting.* Waivers granted in the acquisition of compilers will be reported to the National Bureau of Standards, with the following supporting documentation, within seven working days after approval by the head of the agency.

a. Relevant documentation considered by the head of the agency in authorizing the waiver.

b. Detailed technical specifications of the language deviations granted. In the case of deletions, exact reference to the items in X3. ----- is all that is required. In case of additions that are already developed and approved by CODASYL, exact reference to the items in the CODASYL COBOL Journal of Development is all that is required.

c. A recommendation for action by NBS concerning future development of COBOL, relative to the waiver, should be included, as appropriate.

Correspondence should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

13. *Special information.* a. Development and maintenance of the COBOL language are the responsibilities of the Programming Languages Committee of the Conference on Data Systems Languages (CODASYL), a voluntary organization comprised of interested organizations. Standardization of

COBOL in the United States is in the purview of the American National Standards Institute (ANSI), X3J4 Committee. The technical specifications of American National Standard COBOL, herein adopted as a Federal Standard, are based on the specifications contained in CODASYL COBOL Journal of Development, 1973, and changes that were made to the JOD in response to X3J4 requests. The COBOL language is under continual review by the CODASYL organization for modification and extension. These changes are then reviewed by ANSI for incorporation in revised editions of ANS COBOL.

b. In the event that there is no prospect for the development of a COBOL compiler conforming to this standard for the machine used, serious consideration should be given to using the existing COBOL compiler, if available, for new or revised applications to ease the eventual conversion to a new system employing a standard COBOL compiler.

14. *Where to obtain copies of COBOL publications.* a. Federal Government activities should obtain copies of this FIPS publication from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard Number 21-1 (FIPS PUB 21-1). Copies of American National Standard COBOL, X3. -----, accompany each copy of FIPS PUB 21-1, (Price, ----- a copy.)

b. Others may obtain copies of American National Standard COBOL, X3. -----, from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Refer to American National Standard -----, Standard for Common Business Oriented Language (COBOL). (Price, ----- a copy. Discounts available on quantity orders.)

c. Copies of the CODASYL COBOL Journal of Development may be obtained from the Technical Services Branch, Department of Supply and Services, 5th Floor, 88 Metcalfe Street, Ottawa, Ontario, Canada K1A 0S5.

[FR Doc.74-10536 Filed 5-8-74; 8:45 am]

PROPOSED FEDERAL INFORMATION PROCESSING STANDARD CODE EXTENSION TECHNIQUES IN 7 OR 8 BITS

Requests for Comments

NOTE: FR Doc. 74-10537 was published at page 16501 in the issue of Thursday, May 9, 1974. The "Draft For Coordination" was inadvertently omitted. Therefore, for the convenience of the reader, we are republishing this document, as set forth below:

Under the provisions of Pub. Law 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed standard on code extension techniques in 7 or 8 bits that is based upon the Federal adoption of voluntary industry standards which were developed by the American National Standards Institute and the International Organization for Standardization is being recommended for Federal use. This proposed standard specifies methods of extending ASCII (the American Standard Code for Information Interchange) (FIPS-1) by remaining in either a 7 bit environment or increasing to an 8 bit environment and building upon the structure of ASCII to describe

various means of extending the control and graphic sets of the code.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The first section is provided in its entirety in this notice.

Interested parties may obtain copies of the technical specifications from, and may submit comments to, the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before August 7, 1974.

Dated: May 2, 1974.

RICHARD W. ROBERTS,
Director,

DRAFT FOR COORDINATION

FEDERAL INFORMATION PROCESSING STANDARDS
PUBLICATION-----

Date-----

ANNOUNCING THE STANDARD FOR CODE
EXTENSION TECHNIQUES IN 7 OR 8 BITS

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Pub. L. 89-306 (79 Stat. 1127), and as implemented by Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of standard. Code Extension Techniques in 7 or 8 Bits.

Category of standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies methods of extending the 7-bit code of ASCII (American Standard Code for Information Interchange) (FIPS 1), remaining in a 7-bit environment or increasing to an 8-bit environment, building upon the structure of ASCII to describe various means of extending the control and graphic sets of the code. It also describes techniques for constructing codes related to ASCII so as to allow application dependent usage without preventing the interchangeability of their data. It also describes 8-bit codes for general information interchange in which ASCII is a subset.

Approving authority. Secretary of Commerce.

Maintenance agency. Institute for Computer Sciences and Technology, National Bureau of Standards. The National Bureau of Standards will also maintain and disseminate a registry of ASCII-related 7-Bit Escape Sequences and 8-Bit Codes used by Federal agencies. Department or agency requests for code extensions may be submitted to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

Cross index. a. FIPS PUB 1, Federal Standard Code for Information Interchange.

b. American National Standard X3.4-1963, Code for Information Interchange (ASCII).

c. International Standard ISO 646-1973, 7-Bit Coded Character Set for Information Processing Interchange.

d. International Standard ISO 2022-1973, Code Extension Techniques for Use with the ISO 7-Bit Coded Character Set.

e. Draft International Standard ISO/DIS 2375, Data Processing-Procedure for Registration of Escape Sequences.

Applicability. This standard is applicable to coded character situations which require control functions and/or graphic symbols that are not included in the 128 characters of ASCII, ranging from one such additional character up to extensive families of control and graphic sets, especially where interchange is required to be accomplished in an ASCII-compatible environment.

Implementation schedule. This standard becomes effective one year after the publication date of this FIPS PUB. All applicable coded character sets designed or specified after this date must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For coded character sets installed or on order prior to the effective date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids have been issued) on the effective date of this FIPS PUB.

Waiver procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the procurement of non-conforming coded character sets will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be made until a reply from the National Bureau of Standards is received; however, the final decision for granting the waiver is a responsibility of the agency head.

Specifications. This standard adopts in whole American National Standard X3.41-Code Extension Techniques for Use With the 7-Bit Coded Character Set of ASCII, which was developed and approved by the American National Standards Institute.

Qualifications. It is not the intention of this standard that all instances of its application accommodate all of its provisions. It is not intended that any one representation be implemented to the exclusion of any other. Further, it is not intended that all applicable devices implement the full set of control functions and/or graphic representations implied by this standard. A partial implementation to meet specific requirements is acceptable provided that the coded representations of those selected control or graphic characters are in conformance with this standard.

Special information. The description of code extension techniques is contained in four interrelated sections:

- The extension of the 7-bit code remaining in a 7-bit environment;
- The structure of a family of 8-bit codes;
- The extension of an 8-bit code remaining in an 8-bit environment; and
- The relationship between the 7-bit code and an 8-bit code.

This standard provides for the addition of characters to the 128 provided by the

structure of the 7-bit code in the following ways:

- Additional single controls;
- Additional sets of 32 control characters;
- Additional sets of 94 graphic characters;
- Sets of more than 94 graphic characters (multiple byte sets).

Appendices to this standard present pictorial representations of 7-bit and 8-bit code extensions, as well as technical discussions of the interaction of code extension with multiprogramming and/or multiprocessing environments, and system start-up and restart.

[FR Doc.74-10537 Filed 5-8-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control COAL MINE HEALTH RESEARCH ADVISORY COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, the Director, Center for Disease Control, announces the meeting date and other required information for the following National Advisory body of the National Institute for Occupational Safety and Health which is scheduled to assemble during the month of June 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Coal Mine Health Research Advisory Council.	June 3, 1974, 9 a.m. Conference Room G Parklawn Bldg., 5000 Fishers Lane, Rockville, Md.	Open—9 a.m.—3 p.m. Closed remainder of meeting. Contact: Dr. Raymond T. Moore, NIOSH, Room 3-50, Parklawn Bldg., 5000 Fishers Lane, Rockville, Md. Code: 301-443-2100.

Purpose: The Council is charged with advising the Secretary, Department of Health, Education, and Welfare on matters involving or relating to coal mine health research, including grants and contracts for such research.

Agenda: From 9 a.m. to 3 p.m. on June 3, the Council will be open for discussion of progress reports on second round medical examinations under the Federal Coal Mine Health and Safety Act of 1969, presentation of certificates to retiring members, coal mine health research program for fiscal year 1975, criteria for the diagnosis of disability and death from coal workers' pneumoconiosis, pulmonary function determination co-operative program, intermediate report on use of computer in X-ray analysis. From 3 p.m. through the end of the meeting, the Council will review research grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting

may be obtained from the contact person listed above.

Dated: May 6, 1974.

DAVID SENCER,
Director,
Center for Disease Control.

[FR Doc.74-11189 Filed 5-14-74; 8:45 am]

Food and Drug Administration ANTIEMETIC COMBINATION DRUG

Permission for To Remain on the Market

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623) informing manufacturers of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification for their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and providing for future additions to or deletions from that list.

In the FEDERAL REGISTER of July 8, 1972 (37 FR 13489), the Food and Drug Administration published its conclusions (DESI 10598) pursuant to evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Bendectin Tablets containing dicyclomine hydrochloride, doxylamine succinate, and pyridoxine hydrochloride, stating that this combination drug product was regarded possibly effective for nausea and vomiting of pregnancy. Clinical studies thus far submitted by the sponsor have not conclusively shown that this combination fulfills the requirements of § 3.86—Fixed Combination Prescription Drugs for Humans. Another study is ongoing and is expected to provide a basis for a definitive conclusion concerning the effectiveness of the combination. In view of the fact that this is the only product on the market indicated for nausea and vomiting of pregnancy, the Commissioner concludes that it may remain available pending completion and review of the studies. Accordingly, a new section is added to the list of drugs which may remain on the market (paragraph 3 of the notice of December 14, 1972, as amended), to read as follows:

XVI. ANTIEMETIC COMBINATION DRUG

A FEDERAL REGISTER announcement published July 8, 1972 (37 FR 13489) (DESI 10598) stated that Bendectin Tablets (dicyclomine hydrochloride, doxylamine succinate, and pyridoxine hydrochloride) was regarded possibly effective for its recommended use in nausea and vomiting of pregnancy. Clinical studies ongoing are expected to provide a basis for a definitive conclusion concerning the effectiveness of this combination product. In view of the fact that this is the only product available indicated for nausea and vomiting of pregnancy, the Commissioner concludes that the product may remain on the market labeled as less-than-effective (possibly effective)

for nausea and vomiting of pregnancy pending completion and review of clinical studies to determine its effectiveness.

Every manufacturer or distributor of such combination who intends to, but has not already begun studies required to determine effectiveness or who has begun studies but has not yet discussed the protocols with the Food and Drug Administration, is required to communicate with the Division of Neuropharmacological Drug Products (HFD-120), Office of Scientific Evaluation, Bureau of Drugs on or before July 15, 1974 to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

(Secs. 505, 701, 52 Stat. 1052-1053, as amended; (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-11171 Filed 5-14-74; 8:45 am]

FD&C RED NO. 2 FOOD COLORING

Briefing of Food and Drug Administration Consultants and Notice of Public Meeting

In the FEDERAL REGISTER of May 14, 1973 (38 FR 12642), the Food and Drug Administration announced a meeting on FD&C Red No. 2 to be held on May 16, 1973, for the purpose of briefing an ad hoc advisory group of consultants concerning the relevant background and scientific material pertinent to the question of whether the adverse results originally obtained in gavage studies of FD&C Red No. 2 performed by the Food and Drug Administration could properly be extrapolated to humans. At that meeting, the following individuals served as ad hoc consultants:

Gloria Sarto, M.D., University of Wisconsin Hospitals, Department of Obstetrics and Gynecology, Madison, WI 53706.
Ivan Danhof, M.D., Ph.D., Professor of Physiology, University of Texas, Southwestern Medical School, Dallas, TX 75235.
Leon Golberg, Ph.D., The Institute of Experimental Pathology and Toxicology, Albany Medical College, Albany, NY 12208.
James G. Wilson, M.D., Ph.D., Children's Hospital Research Foundation, Cincinnati, OH 45229.
E. Noel McIntosh, M.D., Department of Population Science, Harvard School of Public Health, 665 Huntington Ave., Boston, MA 02115.

The data obtained by Food and Drug Administration scientists and other independent studies and views were presented. After reviewing all of these relevant materials, the consultants concluded that further studies were needed in order to establish the degree to which differences in methodology could influence the outcome of experimental work.

A study protocol was developed by the ad hoc advisory group of consultants, and it was agreed that tests following this

protocol would be performed by Food and Drug Administration scientists who had performed the first study, the scientists representing the Interindustry Color Task Force, and scientists at the National Center for Toxicological Research having particular expertise in teratology and biostatistics. These studies have now been completed, and the Commissioner has determined that the results shall be presented to the same group of ad hoc consultants in order to obtain their evaluations and advice prior to the promulgation of a final regulation in this matter.

Accordingly, a meeting has been scheduled for Thursday, June 6, 1974, in Room 1813, 200 C Street SW., Washington, D.C., beginning at 9 a.m. The results of each portion of the collaborative study as well as the study in its totality, using the standard protocol as well as the relevant background scientific material will be presented initially. Other interested individuals and organizations will then have an opportunity to make presentations on this same subject. Presentations will be limited to the issue of results of studies comparing administration of the color by gavage and administration in food. Any presentations should be made by scientific experts competent in the fields relevant to this issue.

Any interested person who wishes to be assured of an opportunity to make an oral presentation at this briefing must so inform Dr. Ruth L. Kirschstein, Deputy Associate Commissioner for Science, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852 (telephone 301-443-1587), of that intention by close of business on Thursday, May 30, 1974. The volume and nature of material to be presented will determine the time allotted to each such participant making a request by that date, and this allocation will be announced at the time of the meeting. Other interested persons will be allowed to make oral presentations to the extent that time permits. Any interested persons may also present written data or views which shall be considered. Six copies of such written presentations should be addressed to Dr. Kirschstein at the address given above.

Dated: May 10, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-11257 Filed 5-14-74; 8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Pub. L. 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, June 5, 1974, 9 a.m. to 5 p.m.; Thursday, June 6, 1974, 9 a.m. to 5 p.m.; and Friday, June 7, 1974, 9 a.m. to 12:30 p.m., local time, in the New York Room of the Stat-

ler Hilton Hotel, Sixteenth Street between K and L Streets NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Pub. L. 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of in-service education, educational manpower forecasting, the Teacher Corps, and legislative developments related to the training of educational personnel. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111-20th Street, NW., Room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on May 10, 1974.

JOSEPH YOUNG,
Executive Director.

[FR Doc.74-11182 Filed 5-14-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on June 6-7, 1974, from 9 a.m. to 4:30 p.m., and on June 8, 1974, from 8:30 a.m. to 12 noon, at the Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, D.C.

The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216; (20 U.S.C. 1201)). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Action on Senate and House thrusts in adult education—H.R. 69, S. 1539, and related legislation.

Election of Council officers.
Meetings and reports of the Council's Committees on Governmental Relations, Planning and Publications, and Research.
Adult education actions within USOE—Deputy Commissioner for the Bureau of Occupational and Adult Education.
Council staffing and FY-75 budget.
Development of 309 priorities for FY-75.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on May 8, 1974.

GARY A. EYRE,
Executive Director, National
Advisory Council on Adult
Education.

[FR Doc.74-11188 Filed 5-14-74;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Renewal

I hereby determine that renewal of the Secretary's Advisory Committee on the Rights and Responsibilities of Women beyond May 3, 1974, is in the public interest in connection with the performance of duties imposed on the Department by law, that such duties can best be performed through the advice and counsel of this group, that no other committee in HEW can suitably perform these duties, and that the committee is appropriately balanced. Therefore, the committee is continued for a period of two years.

Dated: May 2, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-11165 Filed 5-14-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-430-DR; Docket No. NFD-196]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated April 18, 1974, and amended April 20, 1974, April 26, 1974, and May 7, 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 18, 1974:

The Counties of:

Hancock
Jackson

Harrison

Dated: May 8, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.74-11167 Filed 5-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CCGD5-74-05R]

PRESIDENT'S CUP REGATTA, WASHINGTON, D.C.

Special Local Regulations

Under the authority of the Act of April 28, 1908 (35 Stat. 69) as amended, and 33 CFR 100.35, as amended, this notice promulgates special local regulations for the President's Cup Regatta. These special local regulations are established to insure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after this regatta. Since these special rules must be made effective in less than 30 days to apply at the time of the scheduled event, I find that notice and public procedure on the issuance of these rules is impracticable and contrary to the public interest and that they may be made effective in less than 30 days from publication.

(a) *Location.* The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant, thence along a line of bearing 240° T. to the Virginia shore, upstream thence along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) *Regulations.* (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations are enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69 as amended, sec. 6(b) (1) 80 Stat. 937; (46 U.S.C. 454, 49 U.S.C. 1655 (b) (1)); 33 CFR 100.35, 49 CFR 1.46(b).)

Effective dates. These regulations are effective from 9 a.m. e.d.s.t. until 6 p.m. e.d.s.t. on June 6, 7, 8, and 9, 1974.

Dated: May 6, 1974.

ROSS P. BULLARD,
Rear Admiral, U.S. Coast Guard
Commander, Fifth Coast
Guard District.

[FR Doc.74-11177 Filed 5-14-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26431]

AIR JAMAICA (1968), LTD.

Prehearing Conference and Hearing

In the matter of Air Jamaica (1968) Ltd., foreign air carrier permit renewal and amendment: Jamaica-New York-Montreal-London; Jamaica-Bahama-Chicago; Jamaica-Bahama-Detroit; Jamaica-Philadelphia-Toronto; Jamaica-Cayman Islands-Miami.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on May 30, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 28, 1974.

Dated at Washington, D.C., May 10, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-11198 Filed 5-14-74;8:45 am]

[Docket No. 24869; Order 74-4-144]

INCREASED WESTERN HEMISPHERE PASSENGER FARES

IATA Agreements

Correction

In FR Doc. 74-10082 appearing in the issue of Friday, May 3, 1974, the application entry under Agreement CAB 24179: R-12 in the second table on page 15526 which reads "11" should read "1".

[Docket No. 25513; Agreement C.A.B. 24268; Order 74-4-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Correction

In FR Doc. 74-10214, appearing at page 15522 in the issue of Friday, May 3, 1974,

the first paragraph was inadvertently omitted. The omitted paragraph should read as follows:

"Issued under delegated authority, April 26, 1974."

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11150 Filed 5-14-74;8:45 am]

DIRECTOR, COTTON, RICE, AND OILSEEDS DIVISION, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Title Change in Noncareer Executive Assignment

By notice of September 1, 1971, FR Doc 71-12769 the Civil Service Commission authorized the Department of Agriculture to fill by noncareer executive assignment the position of Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service. This is notice that the title of this position is now being changed to Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11154 Filed 5-14-74;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General, Office of the Deputy Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11152 Filed 5-14-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary (Energy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11153 Filed 5-14-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Indian Education, Office of Education, Education Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11157 Filed 5-14-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Program Analysis and Evaluation, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.74-11155 Filed 5-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Associate Admin-

istrator for Program Planning, Urban Mass Transportation Administration.

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

[FR Doc.74-11156 Filed 5-14-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by non-career executive assignment in the excepted service the position of Assistant to the Administrator, Office of the Administrator, Immediate Office.

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

[FR Doc. 74-11149 Filed 5-14-74; 8:45 am]

DIRECTOR, OFFICE OF LEGISLATION, OFFICE OF THE ADMINISTRATOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by non-career executive assignment in the excepted service the position of Director, Office of Legislation, Office of the Administrator.

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

[FR Doc.74-11151 Filed 5-14-74; 8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974 Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

Industrial Class 7331

Mailing "overflow" requirements U.S. Department of Health, Education, and Welfare, for following offices only:

Food and Drug Administration—Rockville, Maryland
Office of the Assistant Secretary for Health—Rockville, Maryland
Alcohol, Drug Abuse and Mental Health Administration—Rockville, Maryland

Comments and views regarding these proposed additions may be filed with the Committee not later than June 14, 1974.

Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-11179 Filed 5-14-74; 8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(e)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following commodity and service to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITY

Class 6505

Tablets, Aspirin
6505-100-9985
6505-153-8750

SERVICE

Industrial Class 8231

Lending Library Service (Domestic Portion Only) 50 States, Washington, D.C., and the Commonwealth of Puerto Rico

Comments and views regarding these proposed additions may be filed with the Committee not later than June 14, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-11180 Filed 5-14-74; 8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(e)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

Class 6135

Battery for Light Marker Distress
6135-073-8939

Class 6230

Light, Marker, Distress
(No battery, no pouch)
6230-938-1778

Comments and views regarding these proposed additions may be filed with the Committee not later than June 14, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-11181 Filed 5-14-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Establishment of Temporary Tolerances

American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, submitted a petition (PP 4G1453) requesting establishment of temporary tolerances for residues of the herbicide 1,2-dimethyl-3,5-diphenylpyrazolium methyl sulfate in or on barley straw at 0.5 part per million; barley grain at 0.05 part per million (negligible residue); and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.02 part per million (negligible residue).

Subsequently, the petitioner amended the petition by increasing the proposed temporary tolerance for negligible residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep from 0.02 to 0.05 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

These temporary tolerances expire May 8, 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. 348a(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: May 8, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-11133 Filed 5-14-74; 8:45 am]

[OPP-32000/59]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before July 15, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensa-

tion 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 July 15, 1974.

APPLICATIONS RECEIVED

- EPA Reg. No. 241-175. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Cygon Systemic 25 Insecticide*. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 25.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 18194-R. Anscott Chemical Industries, Inc., Allwood, P.O. Box 566, Clifton, New Jersey 07012. *De-moth Liquid Moth-Proofers*. Active Ingredients: Diethyl Diphenyl Dichloroethane 19.36 percent; Related Reaction Products 2.64 percent; Petroleum Distillates 70.68 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 9582-G. Associated Chemicals Corporation, 231 Oak Street, Quincy, Illinois 62301. *Two-In-One Disinfectant Cleaner*. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate, anhydrous, 0.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 11556-UG. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Sendran Concentrate No. 2 An Insecticide for Formulating Use*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 75.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 11556-UE. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Sendran Concentrate No. 1 An Insecticide for Formulating Use*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 75.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 9143-LR. Chemscope Corporation, 1909 Hi-Line Drive, P.O. Box 10752, Dallas, Texas 75207. *Chemscope Aerosol Insecticide Pyrethrum*. Active Ingredients: Pyrethrins 0.6 percent; Technical Piperonyl Butoxide 1.4 percent; Petroleum Distillate 13.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA Reg. No. 1066-9. Cre-O-Tox Chemical Co., 2670 Broad Avenue, Memphis, Tennessee 38112. *Cre-O-Tox Chlordane 8 Concentrate*. Active Ingredients: Technical Chlordane 72.0 percent; Petroleum Distillate 21.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 682-TT. Crop King, Box 574, Yakima, Washington 98907. *Crop King ZL-C*. Active Ingredients: Ziram (Zinc dimethyl dithiocarbamate) 33.0 percent; Lindane (Gamma Isomer of Benzene Hexachloride) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 33798-R. Dixon Brothers, 330 West 41st Street, Jacksonville, Florida 32208. *Tool Life*. Active Ingredients: Rose Oil, Petroleum solvent #10, Methyl Salicylate. Total 69.28 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 11037-RR. Hacienda Enterprises 565 Charles Street, San Jose, California 95112. *Hacienda Malathion 50 percent*. Active Ingredients: Malathion 50.0 percent; Xylene 45.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 3432-GT. N. Jonas & Co., Inc., 1919 East Boston Street, Philadelphia, Pennsylvania 19125. "POW"—*Super Chlorinator*. Active Ingredients: Sodium Dichloro-s-triazinetrione 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 3432-GA. N. Jonas & Co., Inc., 1919 East Boston Street, Philadelphia, Pennsylvania 19125. *Maxi-Clor Stabilized Chlorine Concentrate Sticks*. Active Ingredients: Trichloro-s-triazinetrione 99 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 10462-E. Multi-Chemical Products Inc., G.P.O. Box 2380, San Juan, Puerto Rico 00936. *Diaciclon F-6 Aerosol Kills Flies, Mosquitoes & Roaches*. Active Ingredients: Petroleum Distillates 58.00 percent; Piperonyl Butoxide 1.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA Reg. No. 1258-889. Olin Corporation, Agricultural Division, P.O. Box 991, Little Rock, Arkansas 72203. *Omacide-645 Industrial Microbiostat*. Active Ingredients: Zinc 2-pyridinethiol 1-Oxide 20 percent; 4'-5-Dibromosalicylanilide 36 percent; 3,4'-5-Tribromosalicylanilide 36 percent; Other brominated salicylanilides 7 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 892-EI. Pioneer Manufacturing Company, 3053 East 87th Street, Cleveland, Ohio 44104. *Pioneer Control-35 Germicidal Cleaner*. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate anhydrous 0.5 percent. Method of Support: Application proceeds under 2(a) of interim policy.
- EPA File Symbol 9195-G. Royal Bond, Inc., 1919 North Broadway, St. Louis, Missouri 63102. *Royal Bond Vapocide Vaporizing Insecticide*. Active Ingredients: Petroleum Distillate 16.84 percent; N-Octyl Bicycloheptene Dicarboximide 1.66 percent; Technical Piperonyl Butoxide 1.00 percent; Pyrethrins 0.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 11656-RR. Western Farm Service, Inc., 2401 Crow Canyon Road, San Ramon, California 94583. *Toxaphene 8-E Emulsifiable Liquid*. Active Ingredients: Toxaphene (Technical Chlorinated Camphene) (Chlorine 67 percent to 69 percent) 72 percent; Aromatic Petroleum Hydrocarbons 22 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: May 6, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-10984 Filed 5-14-74; 8:45 am]

FEDERAL PREVAILING RATE
ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, June 6, 1974
Thursday, June 13, 1974
Thursday, June 20, 1974
Thursday, June 27, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

Dated: May 9, 1974.

DAVID T. ROADLEY,
Chairman, Federal Prevailing
Rate Advisory Committee.

[FR Doc.74-11158 Filed 5-14-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8137, E-8139]

BOSTON EDISON CO.

Order Accepting Initial Rate Schedules, Initiating an Investigation Under Section 206 of the Federal Power Act and Granting Waiver of the Notice Requirements

MAY 9, 1974.

On April 17, 1973, Boston Edison Company (Edison) submitted two separate system sales agreements.¹ In Docket No.

¹ The filings were completed on Aug. 27, 1973, which is considered the official filing date.

E-8137, the agreement provided for the sale of system capacity by Edison to Fitchburg Gas and Electric Light Company (Fitchburg)² and in Docket No. E-8139, Edison agreed to sell system capacity to Public Service Company of New Hampshire (PSNH).³

Edison states that the sale of system capacity and related energy is as follows:

	Amount of capacity (megawatts)
PSNH:	
Dec. 9, 1972-Apr. 30, 1973	100
Nov. 1, 1973-Apr. 30, 1974	40
Fitchburg:	
Dec. 9, 1972-Sept. 30, 1981	40

Edison states that the agreements provide that the amount of contracted capacity will be reduced by the ratio of the reduced capacity of the Pilgrim Unit No. 1 to such unit's net demonstrated capability. Furthermore, Edison states that whenever the Pilgrim Unit No. 1 is shut down due to scheduled maintenance, Fitchburg and PSNH will be entitled to purchase their contract capacity at Edison's NEPOOL scheduled outage rate for Pilgrim Unit No. 1 plus 2.3 mills/kWh.

Edison also states that the power purchased under the subject agreements will be wheeled to Fitchburg and PSNH over the facilities of the New England Power Company (NEPCO).⁴ Edison states that the agreements provide for the charges for operation and maintenance, local taxes, insurance costs and other expenses to be the actual costs for the contract year. The billing will be on an estimated basis, with adjustments after actual costs have been determined. Finally, Edison requested a waiver of the 30 day prior notice requirements to permit an effective date of December 9, 1972.

The filing of April 17, 1973, was noticed on May 8, 1973, setting May 30, 1973, as the due date for responses. No comments, protests, or petitions to intervene have been received in either docket.

Since both of the initial service contracts with PSNH have expired, no useful purpose would be served by instituting an investigation thereof in Docket No. E-8139 under section 206 of the Federal Power Act. However, our review of the agreement with Fitchburg in Docket No. E-8137 indicates inter alia, that the proposed energy charge, over-all return and the cost-basis of the rate may be excessive and therefore the proposed rates may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall institute an investigation under section 206 of the Federal Power Act in Docket No. E-8137 to determine the justness and reasonableness of the filed initial Rate Sched-

² Designated as Boston Edison Company, Rate Schedule FPC No. 71.

³ Designated as Boston Edison Company, Rate Schedule FPC No. 70.

⁴ By letters dated May 15, 1973, and July 18, 1973, NEPCO in Docket No. E-8217, submitted for filing two separate transmission agreements covering Edison's sales.

ule, FPC No. 71. Furthermore, our review of both dockets indicates that a waiver of the 30 day notice requirement of § 35.3 of the Commission's regulations is appropriate. Accordingly, we shall accept the proposed rate schedules for filing, to become effective as of December 9, 1972, the requested effective date.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that an investigation be instituted under section 206 thereof concerning the lawfulness of Edison initial rate schedule filing in Docket No. E-8137 (FPC No. 71).

(2) The Commission finds good cause to allow Edison's requested waiver of the 30 day notice requirement to permit an effective date of December 9, 1972.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, and the Commission's rules and regulations, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on August 13, 1974, at 10:00 A.M., EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of Edison's proposed rates in Docket No. E-8137.

(B) Edison shall serve its prepared testimony and exhibits in Docket No. E-8137 on or before June 18, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before July 16, 1974. Any rebuttal evidence by Edison shall be served on or before August 6, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) Edison's proposed system sales agreements, filed on April 17, 1973, in Docket Nos. E-8137 and E-8139 are accepted for filing to be effective on December 9, 1972, subject to the terms and conditions of this order.

(F) Waiver of the notice requirements under § 35.3 of the Commission's regulations to permit an effective date of December 9, 1972, is hereby granted.

(G) The Secretary shall cause prompt publication of this notice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-11143 Filed 5-14-74;8:45 am]

[Project No. 2742]

COPPER VALLEY ELECTRIC ASSOCIATION, INC.

Application of Preliminary Permit Unconstructed Project

MAY 8, 1974.

Public notice is hereby given that application for a preliminary permit was filed March 8, 1974, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Copper Valley Electric Association, Inc., Glennallen, Alaska (correspondence to: James F. Palin, Manager, Copper Valley Electric Association, Inc., Post Office Box 45, Glennallen, Alaska 99588) for proposed Project No. 2742, to be known as (Solomon Gulch Hydroelectric Project), at the outlet of Solomon Lake, Third Judicial District, State of Alaska, near the City of Valdez.

The proposed Solomon Gulch Hydroelectric Project would consist of: the principal dam, with a crest elevation of approximately 700 ft. (U.S.G.S.), to be erected at the outlet of Solomon Lake; an auxiliary dam to be located approximately 1000 feet east of the lake outlet; a steel penstock 4 feet in diameter and approximately 4400 feet in length; a powerhouse located at tidewater near the mouth of Solomon Gulch, containing two 6000 kW generating units; approximately 7.5 miles of transmission line or approximately 3.5 miles of submarine cable; and a substation located in the City of Valdez. The proposed project would allow applicant to provide lower-cost electrical energy for the growing system now served and to extend service beyond the present area. No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11145 Filed 5-14-74;8:45 am]

[Docket Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO. AND EL PASO NATURAL GAS CO. AND NORTHWEST PIPE LINE CORP.

Extension of Time and Postponement of Hearing

MAY 7, 1974.

On April 30, 1974, El Paso Natural Gas Company filed a motion for continuance

of the procedural dates fixed by Orders issued April 22, 1974, in the above-designated matters. The motion states that Staff Counsel and all parties consent to the motion.

Upon consideration notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of further direct evidence by El Paso and Northwest, May 7, 1974.

Service of answering evidence of interveners and further answering evidence of Commission Staff to El Paso and Northwest's further direct evidence, May 21, 1974.

Service of Staff Rebuttal to interveners' answering evidence and rebuttal evidence of El Paso and Northwest, June 11, 1974.

Hearing, June 25, 1974 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11148 Filed 5-14-74; 8:45 am]

[Docket No. CI73-784]

BLAKE HAMMAN

Extension of Time and Postponement of Hearing

MAY 8, 1974.

On April 26, 1974, Blake Hamman filed a motion for a continuance of the hearing and for an extension of time within which to serve testimony fixed by Order issued March 25, 1974, in the above-designated matter. The motion states that the interveners have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Applicant's Testimony, May 30, 1974.

Hearing, June 20, 1974 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11140 Filed 5-14-74; 8:45 am]

[Docket No. E-8212]

MONTANA-DAKOTA UTILITIES CO. Amendment to Application

MAY 9, 1974.

Take notice that on May 6, 1974, Montana-Dakota Utilities Company filed a letter amendment to its application pursuant to Section 204 of the Federal Power Act seeking an order extending the time period for issuing short-term Promissory Notes authorized in Docket No. E-8212 from May 15, 1974 to May 15, 1975, and the final maturity date from May 14, 1975 to May 14, 1976.

Applicant is incorporated under the laws of the State of Bismarck, North Dakota, and is engaged in the gas and electrical utility business in the States of Montana, North Dakota, South Dakota and Wyoming.

The purpose of such extension of time is to permit Applicant to postpone the sale of First Mortgage Bonds and Preferred Stock. Although Applicant has scheduled a sale of First Mortgage Bonds and Preferred Stock for October, 1974, unsettled market conditions or high interest rates may make it desirable for

Applicant to defer the sale of said securities until early 1975.

Any person desiring to be heard or to make any protest with reference to said amendment to said application should on or before May 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The amendment to said application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11138 Filed 5-14-74; 8:45 am]

[Docket Nos. E-8641, E-8251, E-8169, E-8476]

NEW ENGLAND POWER COMPANY

Order Amending Suspension Period and Permitting Intervention

MAY 8, 1974.

New England Power Company (NEPCO) on February 26, 1974 tendered for filing a Petition for Emergency Relief in which it requested the acceptance of a proposed rate increase (Rate R-8) to be effective April 1, 1974. This was designated as Docket No. E-8641. Because it stated an emergency situation existed, NEPCO also requested waiver of §§ 35.13(b)(4)(i) and 35.13(b)(5)(i) to allow it to file for Rate R-8 without also filing detailed data to support its proposal. NEPCO stated such data would be filed on or before April 15, 1974.

The Commission, by its order issued March 29, 1974, stated it could not ascertain whether an emergency situation existed on the basis of the filing made by NEPCO and the responses made thereto.

Accordingly, the Commission ordered a conference to be held on April 5, 1974 at which time comments and responses from all interested parties were to be received for the Commission's review. The Commission further ordered that the proposed Rate R-8 be suspended for five months until September 1, 1974. This suspension was subject to such change as the Commission deemed appropriate after its reviews of the comments and responses received at the April 5, 1974 conference and examination of the detailed data filed by NEPCO on or before April 15, 1974. The Commission stated that the suspension period may be shortened should the Commission determine from its review of the information and data that an emergency exists. The Commission also ordered that Docket Nos. E-8641, E-8251, E-8169 and E-8476 be consolidated for purposes of hearing and decision and set procedural dates for the proceeding.

On April 5, 1974, the conference, which had been ordered in the March 29, 1974, order, was held. NEPCO stated that if the five-month suspension period for the proposed R-8 rate was not shortened, NEPCO would be unable to finance its present construction program. On April 9, 1974 NEPCO filed a "Petition for Reconsideration of Rate-8 Order at the Earliest Possible Time" in which it reasserted its position that an emergency situation exists which can only be alleviated by the immediate implementation of the Rate R-8. The NEPCO Municipal Customers¹ filed a Response to NEPCO Coverage Estimates on April 18, 1974 in which they assert that NEPCO would be able to continue financing necessary construction if the Rate R-8 were suspended until September 1, 1974. They urge the Commission not to alter the five month suspension so that adequate time be given to consider the supporting cost of service data to NEPCO's Rate R-8 filing. On April 24, 1974, the Rhode Island Consumers' Council filed an answer to NEPCO's Petition for Reconsideration in which it urges the Commission not to shorten the suspension period because it asserts NEPCO has failed to establish that an emergency situation exists requiring the extraordinary relief for which NEPCO has asked. Rhode Island Consumers' Council also filed a petition to intervene. NEPCO, on April 26, 1974, filed an Answer to the Response of the NEPCO Municipal Customers. In this Answer, NEPCO responds by stating the unfavorable position in which NEPCO's parent, New England Electric System, would be placed by having to sell a large offering of common stock in the near future to finance NEPCO's construction program and again asks for an April 1, 1974 effective date for Rate R-8. The NEPCO Municipal Customers also on April 26, 1974 filed an Initial Analysis of NEPCO Cost of Service. They contend in this pleading that the proposed rate increase is not justified by increased cost of service and that the suspension period should not be shortened.

Our review of the comments and responses received at the April 5, 1974 conference and the data filed by NEPCO on April 15, 1974 indicates that a shortened suspension period is necessary in order to allow NEPCO to continue to finance its construction program. To force NEPCO to defer its construction program could seriously impair its service reliability and increase construction costs considerably. Therefore, we will amend the suspension period for NEPCO's proposed R-8 rate to 45 days until May 15, 1974. However, we will also require NEPCO to submit within 60 days its plans for preventing a recurrence of the financial situation in which they represent themselves to be at present.

The Commission finds:

(1) The suspension period for NEPCO's proposed R-8 rate should be

¹ See Appendix A.

amended to 45 days to become effective as of May 15, 1974, as hereinafter ordered.

(2) Participation in this proceeding of the Rhode Island Consumers' Council may be in the public interest.

(3) NEPCO should be directed to submit within 60 days information concerning its future financing as hereinafter ordered.

The Commission orders: (A) The suspension period for NEPCO's proposed R-8 Rate, previously set in the Commission's March 29, 1974, order, is hereby amended, and pending hearing and a final decision thereon, NEPCO's proposed R-8 rate is suspended for 45 days and the use thereof deferred until May 15, 1974.

(B) The Rhode Island Consumer's Council is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) NEPCO is hereby ordered to submit within 60 days of the issuance of this order detailed plans for preventing a recurrence of the financial situation in which they represent themselves to be at present. Such plans shall include: (1) two year detailed projection of its revenue and expenses and capital requirements as related to facilities as proposed to be installed and proposed financings, (2) a review of tentative financing plans and statements supporting the proposition that the proposed plans are in the public interest, and (3) a review of current coverage requirements, including plans to effect such revisions as may become appropriate.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

NEPCO MUNICIPAL CUSTOMERS

NEPCO Customer Rate Committee, The Electrical Departments and Plants of the following Massachusetts Towns and Cities:

Ashburnham.	Marblehead.
Boylston.	Merrimac.
Danvers.	Middleton.
Georgetown.	North Attleboro.
Groton.	Paxton.
Hingham.	Peabody.
Holden.	Princeton.
Hudson.	Shrewsbury.
Hull.	Sterling.
Ipswich.	Templeton.
Littleton.	Wakefield.
Mansfield.	West Boylston.

Littleton, New Hampshire, The Manchester Electric Company and The New Hampshire Electric Cooperative.

[FR Doc.74-11139 Filed 5-14-74; 8:45 am]

[Docket No. E-8749]

PUBLIC SERVICE CO. OF OKLAHOMA Proposed Change in Rates

MAY 7, 1974.

Take notice that on April 26, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing a proposed supplement to its FPC Rate Schedule 186. The proposed supplement provides for sale by PSCO of 15 MW of capacity to Associated Electric Cooperative, Inc. (AEC) for the twelve-month period June 1, 1974 to May 31, 1975.

PSCO states that the supplement is similar to Supplement No. 6 to Rate Schedule FPC 161 which provides for sale by PSCO to Kansas Gas and Electric Company, with conditions, however, limiting total annual deliveries. The maximum daily delivery may also be limited under the agreement. AEC will purchase this energy for resale to City Utilities of Springfield, Missouri. PSCO requests an effective date of June 1, 1974, for the supplement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11147 Filed 5-14-74; 8:45 am]

[Docket No. E-7711]

SOUTHWESTERN ELECTRIC POWER CO. Order Approving Settlement Agreement

MAY 9, 1974.

On December 11, 1973, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission a proposed settlement agreement (Agreement) purporting to resolve outstanding issues in this docket. The history of these proceedings is involved and lengthy and merit some extended discussion.

This docket results from a filing by Southwestern Electric Power Company (SWEPCO) on February 7, 1972, cancel-

ling its FPC Rate Schedule No. 56. Under the terms of that rate schedule, SWEPCO purchased from and exchanged with Tex-La Electric Cooperative, Inc.¹ (Tex-La) hydro-electric power and energy purchased by Tex-La from the Southwestern Power Administration (SPA). As part of that same filing, SWEPCO tendered Rate Schedule REA under which it proposed to bill the member cooperatives without any exchange of hydro power and energy purchased by Tex-La from SPA. The proposed cancellation date of Rate Schedule No. 56 and effective date of Rate Schedule REA was February 29, 1972. Tex-La intervened and protested the cancellation of Rate Schedule No. 56.

On March 8, 1972, the Commission suspended the cancellation of Rate Schedule No. 56 until further order, although the suspension period was not to extend past the five months ending August 9, 1972. Subsequently,² the Commission ordered an expedited hearing on the issue, denied SWEPCO's request to set aside the suspension period and accepted Rate Schedule REA for filing to become effective August 9, 1972. The hearing was held on July 10 to 13, 1972.³

On July 11, 1972, Tex-La filed a motion requesting the Commission to require SWEPCO to continue the three party arrangement for exchange of power as had been in operation under Rate Schedule No. 56. SWEPCO responded stating that, without prejudice to its cancellation of Rate Schedule No. 56, it had no objection to a continuation of the three party arrangement. As part of the response, SWEPCO filed a new rate schedule designated SPA/Tex-La/SWEPCO which would continue the three party arrangement of Rate Schedule No. 56, although under a different rate structure and level.

By order of August 8, 1972, the Commission accepted Rate Schedule SPA/Tex-La/SWEPCO for filing effective August 9, 1972, subject to refund and permitted the withdrawal of Rate Schedule REA.

On March 20, 1973, the Commission established dates for the service of evidence and hearing on Rate Schedule SPA/Tex-La/SWEPCO and directed the company to file updated data in support

¹ Tex-La distribution cooperative members are Bossier Rural Electric Membership Corporation, Bossier City, La.; Bowie-Cass Electric Cooperative, Inc., Douglassville, Texas; Deep East Texas Electric Cooperative, Inc., San Augustine, Texas; Panola-Harrison Electric Cooperative, Inc., Marshall, Texas; Valley Electric Membership Corporation, Natchitoches, La.; Wood County Electric Cooperative, Inc., Quitman, Texas; Upshur Rural Electric Cooperative Corporation, Gilmer, Texas; and Rusk County Electric Cooperative Corporation, Henderson, Texas.

² Order issued May 28, 1972.

³ The record was certified to the Commission by Presiding Administrative Law Judge Fribourg on July 17, 1972.

of that rate schedule.⁴ The Commission Staff filed a statement of position indicating that it found the rates, charges, and conditions proposed by SWEPCO in this rate schedule to be just and reasonable. The hearing was convened on November 20, 1973, and adjourned for settlement discussions. These discussions led to the Agreement presently before us. The major elements of the Agreement are as follows:

(1) Rates: SWEPCO and the Commission Staff accept the rates in Rate Schedule SPA/Tex-La/SWEPCO as reasonable while Tex-La agrees to contest the rates no further.

(2) Terms and Conditions: SWEPCO and Tex-La/SWEPCO as reasonable while Tex-La particularly with respect to the procedures for establishing new delivery points and to evaluate the practicality of existing delivery points. Included in these are methods of payment, schedule of charges, and the conditions for abandonment.

(3) Conditions: The parties agree that this settlement is without prejudice to positions they have taken or may take in the Court of Appeals case presently pending (Footnote 4, supra).

The rates in Rate Schedule SPA/Tex-La/SWEPCO are based on a cost of serving Tex-La by SWEPCO of \$4,827,148 for the twelve months ended December 31, 1972.⁵ These rates will result in a rate of return to SWEPCO of 4.20 percent.

Notice of certification of the Agreement was issued on December 18, 1973, with comments to be filed on or before January 18, 1974. No comments have been received.

Based on our review of the record and the pleadings in this docket, including the Agreement itself, we conclude that the proposed settlement represents a reasonable resolution of the issues in this proceeding, is in the public interest, and should be approved.

The Commission finds: The proposed settlement agreement in this docket, filed by the parties on December 6, 1973, should be approved and made effective.

The Commission orders: (A) The proposed settlement agreement filed by the parties on December 6, 1973, is hereby incorporated by reference, approved and made effective as of August 9, 1972.

(B) Within 30 days of the issuance of this order, SWEPCO shall file supplements to its Rate Schedule SPA/Tex-La/SWEPCO in conformity with the settlement agreement as herein approved.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now

⁴Rehearing denied May 14, 1973; Subsequent motions to stay the proceedings filed by Tex-La were denied on September 28, 1973 and November 16, 1973. Tex-La has petitioned the Court of Appeals for the District of Columbia Circuit for review of the Commission's orders of March 20 and May 14, 1973. *Tex-La Electric Cooperative, Inc. v. F.P.C.* (C.A. 73-1577, C.A.D.C.)

⁵See Attachment A.

pending or hereinafter instituted by or against SWEPCO or any person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

ATTACHMENT A

Operating expenses:

SOUTHWESTERN ELECTRIC POWER COMPANY

Cost of service for Tex-La 12 months ended
Dec. 31, 1972

Operating revenues.....	\$5,829,295
Operating expenses:	
Operation and maintenance expense	3,658,048
Depreciation expenses.....	665,710
Other taxes.....	339,410
Income taxes:	
State	1,845
Federal	162,135
Total	4,827,148
Net available return.....	802,147
Rate base.....	19,084,001
Rate of return (percent).....	4.20

Source: Company's Revised Schedule No. 1.

[FR Doc.74-11141 Filed 5-14-74; 8:45 am]

[Docket Nos. RP65-59, RP61-13, G-18783,
G-8487, G-5258, RP67-3]

TEXAS EASTERN TRANSMISSION CO. AND TRANSCONTINENTAL GAS PIPELINE CORP.

Order Requiring Payment and Flow-Through of Refunds

MAY 9, 1974.

Texas Eastern Transmission Company (Texas Eastern) is currently retaining, pursuant to Commission order,¹ refunds due to Consolidated Gas Supply Corporation (Consolidated), Transcontinental Gas Pipeline Corporation (Transco) is similarly retaining refunds due to Consolidated pursuant to various Commission orders.²

On February 8, 1974, Consolidated transmitted a request that this Commission direct Texas Eastern and Transco to release to it various amounts which Consolidated alleged were due to it pursuant to the above mentioned orders.

¹Texas Eastern Transmission Corporation, Docket No. RP65-59, 37 FPC 100 (January 16, 1967).

²Transcontinental Gas Pipeline Corporation, Docket No. RP61-13, 27 FPC 187 (February 2, 1962); Placid Oil Company, et al., Docket Nos. G-13183, et al., 35 FPC 477 (April 6, 1966); Placid Oil Company, et al., Docket Nos. G13183, et al., 35 FPC 984 (June 13, 1966); Sun Oil Company, et al., Docket Nos. G-8288, et al., 35 FPC 1067, (June 23, 1966) and order issued December 28, 1967 in this docket; Transcontinental Gas Pipeline Corporation, Docket No. RP67-3, 36 FPC 431 (August 12, 1966) and Order issued Dec. 28, 1966; Transcontinental Gas Pipeline Corporation, et al., Docket Nos. G-18783, et al., two Orders issued on Dec. 28, 1967 in this docket; and Atlantic Seaboard Corporation, et al., Docket Nos. G-12196, et al., 40 FPC 68 (July 12, 1968).

The request was noticed on April 3, 1974, with petitions to intervene or protests due on or before April 23, 1974. No petitions or protests were received. Consolidated stated that both Texas Eastern and Transco have informally expressed their willingness to pay such refunds to Consolidated and that Consolidated will in turn flow-through such refunds to its jurisdictional customers on a volumetric basis.

Our review of Consolidated's undertaking in the instant filing indicates that it satisfies the conditions in the orders involved for these refunds. Accordingly, we shall direct Texas Eastern and Transco to refund to Consolidated the amounts due and Consolidated to flow-through such refunds as hereinafter ordered.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the refunds which are the subject of these proceedings which are due to Consolidated be paid by Texas Eastern and Transco to Consolidated and further that such refunds be flowed-through to Consolidated's jurisdictional customers on a volumetric basis.

The Commission orders: (A) Within 30 days of the issuance of this order, Texas Eastern and Transco shall pay to Consolidated the refund monies plus interest to the date of payment in these proceedings and shall file a report with this Commission showing the principal and interest so refunded.

(B) Within 30 days of the receipt of such payments from Transco and Texas Eastern, Consolidated shall refund such payments, on a volumetric basis, to its jurisdictional customers and shall file a report with this Commission showing the principal and interest refunded to each of Consolidated's jurisdictional customers.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11142 Filed 5-14-74; 8:45 am]

[Docket No. CP74-273]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MAY 7, 1974.

Take notice that on April 24, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-273 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Transcontinental Gas Pipeline Corporation (Transco) and Consolidated Gas Supply Corporation (Consolidated), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes, pursuant to a letter agreement dated February 15, 1974, to transport approximately 8,000 Mcf at 15.025 psia of natural gas per day for Transco and Consolidated at 6.24 cents per Mcf through Applicant's existing offshore Cameron Lateral pipeline from West Cameron Block 235, offshore Louisiana, onshore to a proposed point of interconnection between Applicant's and Transco's pipeline system near Ragley, Louisiana. Construction of the facilities for the latter point of interconnection is proposed in Applicant's and Transco's joint application pending in Docket No. CP74-224, notice of which was published in the FEDERAL REGISTER on March 21, 1974 (39 FR 10661).

Applicant states that the instant transportation agreement is part of a general scheme to avoid the duplication of facilities for the transportation of natural gas purchased for resale in interstate commerce from the Block 118 and 119 Fields, East Cameron Area, offshore Louisiana. According to the letter agreement of February 15, 1974, if the volumes of gas redelivered by Applicant at the proposed Ragley interconnection are not equivalent to the volumes delivered to Applicant by Transco and Consolidated into Applicant's Cameron Lateral, such deliveries and redeliveries shall be balanced within thirty days, or such longer period as may be mutually agreeable to the parties. Other applications related to the instant proposal are as follows:

(1) A joint application in Docket No. CP74-249, notice of which was published in the FEDERAL REGISTER on April 8, 1974 (39 FR 12789), by Transco, Consolidated and Columbia Gulf Transmission Company (Columbia Gulf), for a certificate of public convenience and necessity authorizing the construction of a six-inch lateral pipeline to transport natural gas purchased or produced by various parties in the Block 118 and 119 Fields to Applicant's Cameron Lateral to be transported further, as proposed in the instant application; authorizing the exchange gas in order to enable Consolidated to transport gas committed to it from said fields eventually into its own pipeline; and authorizing the transportation of gas purchased by Applicant in the Block 118 and 119 Fields to Applicant's Cameron Lateral;

(2) An application in Docket No. CP74-265, notice of which was published in the Federal Register on _____, 1974, (39 FR _____), by Transco for a certificate of public convenience and necessity authorizing the addition of the proposed Ragley interconnection as a delivery point from Consolidated for the exchange of gas transported, as proposed by Applicant in the instant application, for Consolidated's account;

(3) Applications for certificates of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Applicant by C & K Petroleum, Inc., et al., to Consolidated by CNG Producing Company, to Columbia Gas Transmission Corporation by Columbia Gas Development Company, and to Transco by Odeco, et al., which gas would be transported in the above described pipelines.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a peti-

tion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11144 Filed 5-14-74; 8:45 am]

[Docket No. E-8025]

UPPER PENINSULA GENERATING CO.
Notice of Application

MAY 9, 1974.

Take notice that on February 19, 1974, Upper Peninsula Generating Company (Applicant), filed a Supplement and Amendment to its Application in Docket No. E-8025 with the Federal Power Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed \$15,000,000 face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Houghton, Michigan and is engaged in the generation of electric energy for sale only to Upper Peninsula Power Company and the Cliffs Electric Service Company.

The Applicant proposes to issue unsecured promissory notes, payable to such bank or banks from which the Applicant may borrow for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such notes, issued either originally or upon renewal from time to time, to have maturity dates not later than July 1, 1975.

The interest rate on the Notes to be issued to commercial banks not for re-

sale to the public will be at a rate not exceeding one-quarter of one percent over the floating prime rate in effect from time to time, meaning by "prime rate" the lowest rate at which the banks to whom the notes are payable are then making short term commercial loans to depositors.

The proceeds from the sale of the Notes will be used, pending permanent financing, to finance the buildup of its coal stock to last through the non-navigation months to finance a portion of the Applicant's construction program for the years 1974 and 1975 having an estimated cost of \$18,247,300.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11137 Filed 5-14-74; 8:45 am]

[Docket No. E-8762]

YORK HAVEN POWER CO.

Initial Rate Filing

MAY 8, 1974.

Take notice that on May 2, 1974 York Haven Power Company (York Haven) tendered for filing as an initial rate an Agreement for the sale and purchase of power generated by FPC License Project No. 1888. This agreement is dated April 30, 1974 between York Haven and Metropolitan Edison (Met-Ed).

York Haven states that said Agreement provides for the sale of the total power and energy from Project No. 1888 to Met-Ed on a rate based upon York Haven's costs and expenses in generating and transmitting such power and energy. York Haven further states that a copy of this filing has been mailed to Met-Ed and interested state commissions.

York Haven requests an effective date of May 1, 1974 for said Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1974. Protests will be considered by the Commission in determin-

ing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11146 Filed 5-14-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 10, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service; Survey to Develop School Feeding Participant's Profile, Form, Single time, Lowry, School principals and/or food service directors, students.

DEPARTMENT OF COMMERCE

Bureau of the Census; Annual Survey of Oil and Gas, Form MA-13K, Annual, Weiner, Lessees of Oil & Gas Field properties.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education; Pilot Survey of Student Attitudes, Form NIE 50-A & B, Single time, HRD/Planchon, 6th grade students in Alum Rock School.

Alcohol, Drug Abuse and Mental Health Administration; Assessment of Needs for Advanced Education of State and Local Mental Health Professional and Administrative Staffs, Form ADAMMH 0508, Single time, Caywood, Mental health profs & admin. staff of State & local mental health depts.

Health Resources Administration; Marriage and Divorce Data Use Survey, Form ----, Single time, Collins, Selected users of marriage & divorce data.

DEPARTMENT OF TRANSPORTATION

Departmental; DOT Directory of Transportation Education Programs, Form ----, Annual, Sheffel, Transportation educators in postsecondary institutions.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service; Application for Authorization to Participate in the Food Stamp Program, Forms FNS 252, 252-1, 252-3, Occasional, Sheffel, Food retailers & wholesalers & meal service organizations.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis; Survey of U.S. Travelers Visiting Canada, Form BE 536, Quarterly, Evinger, U.S. residents visiting Canada.

VETERANS ADMINISTRATION

Application for Program of Education or Training for an Individual on Active Duty; Form 22-1990a, Occasional, Caywood, Servicemen & servicewomen.

Veteran's Application for Program of Education or Training (under Chapter 34, Title 38, U.S.C.); Form 22-1990, Occasional, Caywood, Veterans.

Notice of Eligibility, Application and Enrollment Certification; Form 22-1990v, Occasional, Caywood, Veterans.

Request for Change of Program or Place of Training (Under Chap. 34, Title 38, U.S.C.); Form VA 22-1995, Occasional, Caywood, Veterans students.

Application for Educational Assistance by a Spouse, Widow or Widower; Form 22-5490w, Occasional, Caywood, Spouse, Widow or Widower.

Enrollment Certification (Under Chapters 34 or 35, Title 38, U.S.C.). Form 22-1999, Occasional, Caywood, Schools.

EXTENSIONS

DEPARTMENT OF DEFENSE

Defense Supply Agency; Department of Defense Industrial Security Survey/Inspection Report, Form DSA 1148, Occasional, Evinger (x).

SIOATH Control Record, on Order but Undelivered Report and Report of Unordered Product; Form DD 1886, Monthly, Evinger (x).

DEPARTMENT OF JUSTICE

Departmental; Application for Cancellation of Debt on Ground of Permanent and Total Disability, Form LEEP 13, Occasional, Evinger, Recipients of LEEP funds who are disabled.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Questions Concerning the NASA Technical Support Package; Form ----, Occasional, Evinger, Industrial, educational & research organizations.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.74-11265 Filed 5-14-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

MAY 8, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 9, 1974 through May 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11185 Filed 5-14-74; 8:45 am]

[70-5497]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Bonds at Competitive Bidding

MAY 10, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King St., Wilmington, Del. 19899, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which are summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$35,000,000 principal amount of First Mortgage and Collateral Trust Bonds, ---- percent Series due June 1, 2004. The interest rate (which shall be a multiple of 1/8 of 1 percent) and the price to be paid to Delmarva, exclusive of accrued interest, (which shall be not less than 99 percent nor more than 101.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and Chemical Bank, Successor Trustee, as heretofore supplemented and as to be further supplemented by a Forty-seventh Supplemental Indenture to be dated as of June 1, 1974 which includes a prohibition until June 1, 1979 against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

It is stated that the net proceeds from the sale of the bonds will be applied toward the retirement of unsecured short-term notes issued primarily for interim financing of the construction programs of Delmarva and its subsidiary companies and for other corporate purposes. As of April 18, 1974, such short-term notes outstanding amounted to \$64,100,-

000. Delmarva estimates its 1974 construction program at \$99,625,000 and contemplates the sale of additional permanent securities and unsecured short-term notes during 1974.

The declaration states that the issuance and sale of the bonds is subject to the approval of The Public Service Commission of Delaware, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be in the aggregate amount of \$114,000, which includes \$38,000 for printing expenses, \$10,000 for legal fees and \$13,250 for accounting services.

Notice is further given that any interested person may, not later than June 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-11186 Filed 5-14-74; 8:45 am]

[812-3391]

TEMPORARY INVESTMENT FUND, INC.
Application for Exemption

MAY 8, 1974.

Notice is hereby given that Temporary Investment Fund, Inc. ("Applicant") 1730 Penn. Ave., Wash., D.C. 20006, an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for exemption from the provisions of Rule

19b-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are set forth below.

Applicant was organized on February 8, 1973, as a vehicle through which institutions can invest short-term cash reserves in a portfolio of so-called "money market" securities with maturities generally not exceeding 6 months including Treasury Bills, other obligations issued or guaranteed by the Federal Government, its agencies or instrumentalities, certificates of deposit, bankers' acceptances, commercial paper and variable amount demand master notes. Applicant's investment objectives are to seek current income and stability of principal.

Except in limited instances, it is not anticipated that Applicant will invest in securities with maturities exceeding six months, and in no event will such securities be purchased with a view to the realization of long-term capital gains. Assuming that this application is granted, any capital gains realized by Applicant will be distributed currently.

The Comptroller of the Currency has determined that the purchase of shares of Applicant by national banks acting on behalf of their fiduciary accounts, is not contrary to applicable regulations if consistent with the purposes of the particular account and proper under the laws of the state in which the bank is located. Although Applicant is particularly designed for investment by banks, the Application states that it may be equally suitable for the investment of short-term funds held or managed by broker/dealers, investment counsellors, insurance companies, employee benefit plans, colleges, churches, charities, corporations and other institutions. However, Applicant's shares may not be purchased by individuals.

Loeb, Rhoades & Co. will serve as Administrator and Distributor of the Applicant and Provident National Bank will serve as Investment Adviser. Shares of Applicant will be sold and may be redeemed by shareholders on any business day at the net asset value per share. Net asset value will be determined once each day immediately after the declaration of dividends comprising the previous period's net income. Dividends will be declared daily and paid to shareholders monthly.

The minimum initial investment in Applicant is \$100,000. Subsequent investments must be made in increments of \$1,000, but an investor need not maintain any minimum investment. All funds will be invested in full and fractional shares. Shares must be paid for, and redemptions will be made, in Federal Funds. Stock certificates will not be issued unless requested in writing by a shareholder.

Rule 19b-1, as here pertinent, prohibits distributions of capital gains dividends more frequently than once a year. Applicant represents that it will generally not acquire portfolio securities with maturities exceeding six months except in limited instances, but in no case will

such instruments be acquired with a view to the realization of long-term capital gains. If unanticipated circumstances in fact result in the realization of such gains, however, Applicant wishes to be in a position to distribute such gains at approximately the same time they are realized in light of Applicant's investment objective of seeking current income and its intended practice of declaring dividends daily and distributing them monthly. If such gains could not be distributed currently, Applicant's net asset value on each daily valuation day would be increased by the amount of such undistributed gain with no current benefits accruing to shareholders unless they opt to redeem.

The application alleges that the principal purposes of Rule 19b-1 are to avoid confusion of the shareholder as to what constitutes regular dividends from interest income, as opposed to capital gains; and to relieve investment company managers from pressure to realize such gains. Applicant states that such dangers are irrelevant to its operations in light of: (a) the sophistication of its shareholders; (b) the fact that Applicant explicitly disclaims any intention of seeking such gains (or, except in limited circumstances, of even acquiring securities with maturities of more than 6 months); and (c) the intention of Applicant to advise shareholders as to what portion of any distribution comprises capital gains.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 3, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether

a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11187 Filed 5-14-74; 8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Suspension of Trading

MAY 8, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated 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 May 9, 1974 through May 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11184 Filed 5-14-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL. (BARNWELL NUCLEAR FUEL PLANT)

Prehearing Conference

MAY 9, 1974.

Take notice, that in accordance with the Atomic Energy Commission's Notice of hearing pursuant to 10 CFR Part 50, Appendix D, Section B, published November 9, 1973, in the FEDERAL REGISTER (38 FR 31031), and the Special Prehearing Conference Order issued April 12, 1974, by this Atomic Safety and Licensing Board permitting intervention by Environmentalists, Inc., South Carolina Environmental Action, Inc., and Piedmont Organic Movement, as joint intervenors, a second prehearing conference to permit identification of the issues in the above-captioned proceeding, will be held on Wednesday, May 29, 1974, at 10:00 a.m. local time in the Civic Room, Palmetto Federal Savings & Loan Association, 2116 Jackson Street, Barnwell, South Carolina 29812.

It is so ordered.

Issued at Bethesda, Maryland this 9th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.74-11160 Filed 5-14-74; 8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located near Palo in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment permits a temporary increase in allowable conductivity of the reactor coolant.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulation in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated May 6, 1974, (2) Amendment No. 2 to License No. DPR-49, with attachments, and (3) the Commission's related Safety Evaluation, dated May 7, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 8th day of May, 1974.

For the Atomic Energy Commission,
WALTER R. BUTLER,
Chief, Light Water Reactors
Projects Branch 1-2, Directorate of Licensing.

[FR Doc.74-11161 Filed 5-14-74; 8:45 am]

[Docket Nos. 50-413, 50-414]

CATAWBA NUCLEAR STATION

Availability of Partial Initial Decision on Environmental Issues

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's

regulation in Appendix D, § A.9 and A.11, to 10 CFR Part 50, notice is hereby given that a Partial Initial Decision on Environmental Issues dated April 9, 1974, by the Atomic Safety and Licensing Board, in the above captioned proceeding involving an application by Duke Power Company for a construction permit for the Catawba Nuclear Station, Units 1 and 2, to be located in York County, South Carolina, 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 York County Library, 325 South Oakland Avenue, Rockhill, South Carolina 29730.

The Partial Initial Decision is also being made available at the State Clearinghouse, ATTN: Mr. Elmer Witten, Jr., Office of the Governor, Division of Administration, Edgar A. Brown State Office Building, Columbia, South Carolina 29201 and the State Clearinghouse & Information Center, ATTN: Mr. Randolph Hendricks, 116 West Jones Street, Raleigh, North Carolina 27603.

Based on the record developed in the public hearing in the above captioned matter, the Partial Initial Decision (PID) on Environmental Issues of the Atomic Safety and Licensing Board supplements and modifies the Final Environmental Statement prepared by the Commission's Directorate of Licensing relating to the construction of the Catawba Nuclear Station, Units 1 and 2. A copy of this Final Environmental Statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, § A.11, the Final Environmental Statement is deemed modified to update the population projections in § 2.1 and supplemented to include pertinent portions of the environmental hearing record relating to anticipated transients without scram which were not addressed by the staff in the Final Environmental Statement. As required by § A.11 of Appendix D, a copy of the Partial Initial Decision by the Atomic Safety and Licensing Board and the Final Environmental Statement have been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

The Partial Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Partial Initial Decision may be reviewed by the Commission.

Single copies of the Partial Initial Decision on Environmental Issues by the Atomic Safety and Licensing Board and the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 9th day of May 1974.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects
Branch No. 4, Directorate of
Licensing.

[FR Doc.74-11202 Filed 5-14-74; 8:45 am]

[Docket No. 50-469]

GENERAL ELECTRIC CO.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on March 1, 1974 (39 FR 7977) and the Atomic Energy Commission having found that:

(a) The application filed by General Electric Company, Docket No. 50-469, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed by the exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR-96 to General Electric Company, authorizing the export of two boiling water reactors each with a thermal power level of 289.4 megawatts to the Taiwan Power Company, Taipei, Taiwan, Republic of China.

The export of these reactors to the Republic of China is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of China Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 7th day of May 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of Li-
censing.

[FR Doc.74-11201 Filed 5-14-74; 8:45 am]

[Docket Nos. 50-424-50-427]

GEORGIA POWER CO.

Health and Safety Hearing

Take notice that pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations, and pursuant to the Commission's "Notice Of Hearing On Application For Construction Permits" dated April 26, 1973 (38 FR 10751, May 1, 1973), a public evidentiary hearing will be held before an Atomic Safety & Licensing Board (the Board) to consider the application of the Georgia Power Company (the Applicant) for construction permits for four pressurized water nuclear reactors, proposed to be built on the Applicant's property, near Waynesboro, Georgia, about 26 miles south-southeast of Augusta.

The evidentiary hearing will commence at 9:30 a.m. local time on Wednesday, May 29, 1974, and will continue from day-to-day until completed. The hearing will take place at:

City-County Municipal Building
Courtroom 603
530 Green Street
Augusta, Georgia 31902

The proposed nuclear plantsite is in Burke County, Georgia, and would be known as the Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3 and 4. Each of the units is designed for initial operation at about 3411 megawatts thermal, with a net electrical output of 1100 megawatts.

The public hearing is in addition to the public hearing sessions already held in Waynesboro, Georgia on last April 16 (environmental portion of the construction permit proceeding) and in Bethesda, Maryland on May 9 (supplemental hearing on site suitability). The subject of the hearing now scheduled to start May 29 in Augusta will be the radiological health and safety issues set forth in the Commission's April 26, 1973 "Notice Of Hearing On Application For Construction Permits" (referred to in first paragraph above), specifically those set forth in the section entitled "Issues Pursuant to the Atomic Energy Act of 1954, as Amended."

Persons who have requested leave to make limited appearance statements, and who have not already done so at the April 16 or May 9 sessions, will be heard on the morning of May 29, 1974.

All interested members of the public are invited to attend the hearing.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland this 10th day of May, 1974.

THOMAS W. REILLY,
Chairman.

[FR Doc.74-11200 Filed 5-14-74; 8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-16 which would authorize the Jersey Central Power & Light Company (the licensee) to operate the Oyster Creek Nuclear Generating Station Unit 1 (the facility) using four 8 x 8 fuel assemblies (containing U-235) and also would revise the provisions in the Technical Specifications relating to the limiting conditions for operation associated with fuel densification for the 8 x 8 fuel. The applicant is presently licensed to possess and operate its facility located in Lacey Township, Ocean County, New Jersey, at power levels up to 1930 MWt using a full core of 7 x 7 fuel assemblies (containing U-235).

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Prior to issuance of the license amendment, the Commission's Directorate of Licensing will have (1) made the remainder of the findings required by the Act and the Commission's regulations and (2) completed a favorable Safety Evaluation on the application dated April 16, 1974.

On or before June 14, 1974, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW.

Washington, D.C., by June 14, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details, see the application by Jersey Central Power and Light Company dated April 16, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. When the Safety Evaluation report to be prepared by the Directorate of Licensing on the application is available, it may be inspected at the above locations and a single copy may be obtained.

Single copies of the Safety Evaluation and proposed license amendment, when available, may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland this 9th day of May 1974.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch
No. 2, Directorate of Licensing.

[FR Doc.74-11199 Filed 5-14-74; 8:45 am]

[Docket No. RM-50-2]

EFFLUENTS FROM LIGHT-WATER-COOLED NUCLEAR POWER REACTORS

Order Rescheduling Hearing

By previous order, the Commission determined to hear oral argument in this proceeding on May 21, 1974. Due to the press of other matters, the Commission has rescheduled the oral argument for June 6, 1974. The argument will commence at 10 a.m. at Commission Headquarters in Germantown, Maryland, and will be open to the public.

Each participant who has requested an opportunity to make a presentation will be allotted one hour. This time period shall include any questions which may be propounded by Commissioners and participants' responses thereto. No more than two persons may present argument for any single participant. Argument may be presented by counsel, by persons who testified on behalf of that participant during the proceedings, or by persons who qualified as technical interrogators during the proceedings. Participants may use all or any part of the time allotted, but may not yield any of their time to other participants.

The order of presentation shall be as follows:

AEC staff
Consolidated Utility Group
General Electric Company
State of Minnesota
Mr. Andrew Hull (limited participant)
Atomic Industrial Forum (limited participant)

It is anticipated that there will be at least one 15-minute recess during the

morning session and another during the afternoon session. In addition, there will be a one-hour luncheon recess.

In view of the issuance of this order, no further notification from the Secretary concerning procedural details will be necessary.

It is so ordered.

By the Commission.

Dated at Germantown, Md., this 13th day of May 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-11324 Filed 5-14-74; 8:45 am]

U.S. NUCLEAR DATA COMMITTEE, BASIC SCIENCE SUBCOMMITTEE

Notice of Meeting Cancellation

MAY 13, 1974.

On April 24, 1974, 39 FR 14530, there was announced that a meeting of the Basic Science Subcommittee of the U.S. Nuclear Data Committee was scheduled for May 20, 1974, at the Lawrence Berkeley Laboratory, Berkeley, California. This meeting has been cancelled and will be rescheduled at a later date.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-11323 Filed 5-14-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 508]

ASSIGNMENT OF HEARINGS

MAY 10, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 15, 1974.

MC-F-12110, Arkansas-Best Freight System, Inc.—Purchase—Harry N. Nicklaus and Albert P. Nicklaus, now being assigned June 26, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12113, Nationwide Carriers, Inc.—Purchase—Mabel Lynn Michael (Nevin H. Flery, Executor), now being assigned July 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644, Sub-165, Superior Trucking Company, Inc., now being assigned July 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub-41, Pinto Trucking Service, Inc., now being assigned July 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub-44, Pinto Trucking Service, Inc., now being assigned July 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub-45, Pinto Trucking Service, Inc., now being assigned July 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107012 Sub 182, North American Van Lines, Inc., now assigned June 19, 1974, at Seattle, Wash., is postponed indefinitely.

FF-C-52, Darrell J. Sekin & Company, Inc., and Regional International Services, Inc.—Investigation of Operations—now assigned May 20, 1974, at Dallas, Tex., is postponed indefinitely.

MC-125035 Sub 28, Ray E. Brown Trucking, Inc., application is dismissed.

MC 138926 Sub-2, Gencom, Inc., now assigned June 11, 1974, at Kansas City, Mo., is postponed indefinitely.

MC-C-8247, Eagle Trucking Company—Investigation and Revocation of Certificates—now assigned May 13, 1974, at Dallas, Tex., is postponed to May 20, 1974 (2 days), in Room 5A15-17 Federal Office Bldg., 1100 Commerce Street, Dallas, Texas.

I&S M 27312, Restructured Rates and Charges, Central States Territory, I&S M 27312 Sub 2, Restructured Rates and Charges, Indiana Motor Rate and Tariff Bureau, now assigned May 21, 1974, at Washington, D.C., is postponed to June 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11211 Filed 5-14-74; 8:45 am]

[No. AB-19 (Sub-No. 7)]

BALTIMORE AND PHILADELPHIA RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Proposed Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Delaware County, Pa., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 1st day of May 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-19 (Sub-No. 7)]

THE BALTIMORE AND PHILADELPHIA RAILROAD COMPANY AND THE BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT CRUM CREEK BRANCH, EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated May 1, 1974, it has been determined that the proposed abandonment of the Crum Creek branch line of the Baltimore and Philadelphia Railroad Company and the Baltimore and Ohio Railroad Company, in Eddystone, Delaware County, Pa., a distance of 1.05 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that abandonment of this line will not have a significant impact on the environment because shippers no longer rely on rail service on this branch, and there has been no traffic moved over the line for over a year. Alternative rail transportation is located at both end points of the line. In addition, abandonment will facilitate the construction of Interstate Highway 95 in Delaware County. This action, therefore, is consistent with local and regional land use policies.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 30, 1974.

[FR Doc.74-11214 Filed 5-14-74; 8:45 am]

[Finance Docket No. 27546]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Proposed Acquisition and Operation of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Allamakee County, Iowa, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 1st day of May, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[Finance Docket No. 27546]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—ACQUIRE AND OPERATE—A LINE OF RAILROAD, POSTVILLE, ALLAMAKEE COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated May 1, 1974, it has been determined that the proposed acquisition by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of an industrial spur track in Postville, Allamakee County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that approval of this action will result in the re-institution of rail service to one shipper in Postville, which lost rail service in 1973, when the Chicago, Rock Island and Pacific Railroad Company abandoned service to Postville. Accomplishment of this action will not require any new construction, nor will there be any effect on local land use plans or policies. Re-institution of service to this shipper will result in the diversion of approximately 60 carloads of freight a year from motor carrier to rail transportation. This diversion should have a beneficial effect on the environment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 30, 1974.

[FR Doc.74-11215 Filed 5-14-74; 8:45 am]

[Notice No. 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 10, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969

(49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 14, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 128), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed May 2, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Muskogee, Okla., over State Highway 16 to junction of U.S. Highway 75, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Muskogee, Okla., over U.S. Highway 69 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction State Highway 16, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11209 Filed 5-14-74; 8:45 am]

[Notice No. 80]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 4, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75076. By order of May 9, 1974, the Motor Carrier Board approved the transfer to W. P. Lambert Transfer, Inc., Lancaster, S.C., of the operating rights in Certificate No. MC-107148 issued March 27, 1963, to W. P. Lambert, doing business as W. P. Lambert Transfer, Lancaster, S.C., authorizing the transportation of brick and household goods between Lancaster County, S.C., on the one hand, and, on the other, points in North Carolina. Ned Gregory, P.O. Drawer 967, Lancaster, S.C., 29720, attorney for applicants.

No. MC-FC-75107. By order of May 9, 1974, the Motor Carrier Board approved the transfer to Lorschbach Trucking, Inc., Hardin, Ill., of the operating rights in Certificate No. MC-95296 issued January 11, 1973, to Lucille C. Lorschbach, Hardin, Ill., authorizing the transportation of general commodities, with usual exceptions, over a regular route between St. Louis, Mo., and Jerseyville, Ill., and livestock, agricultural commodities, and household goods, serving points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone in connection with said regular-route operations; general commodities, from St. Louis, Mo., to Hardin, Ill., and livestock and fruit, from Hardin, Ill., and points in Calhoun County, Ill., within 15 miles, to St. Louis, Mo. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75131. By order of May 9, 1974, the Motor Carrier Board approved the transfer to A-Emergency Tow Service, Inc., Kansas City, Mo., of the operating rights in Certificate No. MC-116178 (Sub-No. 1), issued February 10, 1971, to David W. Dodson, doing business as A-Emergency Tow Service, Kansas City, Mo., authorizing the transportation of wrecked, damaged, or disabled motor vehicles and trailers, and replacement motor vehicles and trailers to points of wreck, damage, or disablement, by the use of towing equipment, between points in Iowa, Kansas, Nebraska, Oklahoma, and Missouri. Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105, attorney for applicants.

No. MC-FC-75135. By order of May 9, 1974, the Motor Carrier Board approved the transfer to R. L. Seasholtz, Inc., Pottstown, Pa., of the operating rights in Permit No. MC-22815 issued May 15, 1941 to Roy L. Seasholtz, Pottstown, Pa., authorizing the transportation of precast concrete products from Pottstown and Eddystone, Pa. to points in New Jersey and Delaware. Raymond A. Thistle, Jr., Four Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-75140. By order of May 9, 1974, the Motor Carrier Board approved the transfer to Billy J. Elkins, West Terre Haute, Ind., of the operating rights in Certificate No. MC-117647 issued April 4, 1973, to George H. Germann, doing business as Germann Trucking Co., Mount Vernon, Ill., authorizing the transportation of various commodities from and to specified points

and areas in Indiana, Illinois, Kentucky, Michigan, Ohio, Iowa and Wisconsin. Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind., 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11210 Filed 5-14-74; 8:45 am]

[No. AB-52]

**NEW MEXICO CENTRAL RAILWAY CO. AND
ATCHISON, TOPEKA AND SANTA FE
RAILWAY CO.**

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor;

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Torrance County, N. Mex., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 1st day of May 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-52]

**NEW MEXICO CENTRAL RAILWAY COMPANY AND
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY ABANDONMENT BETWEEN
WILLARD AND CALVERT, TORRANCE COUNTY,
NEW MEXICO**

The Interstate Commerce Commission hereby gives notice that by order dated May 1, 1974, it has been determined that the proposed abandonment of the line of The New Mexico Central Railway Company and The Atchison, Topeka and Santa Fe Railway Company between Willard and Calvert, a distance of approximately 28 miles all in Torrance County, N. Mex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that the environmental impacts are considered insignificant because there are no identifiable

developmental plans in the area of the proposed abandonment predicated upon the availability of direct rail access. Further, the volume of traffic is minimal and declining, and alternative transportation is available over the surrounding highway system and at the trailer-on-flatcar facility located in Albuquerque, N. Mex.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations, to the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 30, 1974.

[FR Doc.74-11212 Filed 5-14-74; 8:45 am]

[No. AB-10 (Sub-No. 5) and No. AB-2 (Sub-No. 6)]

**NORFOLK AND WESTERN RAILWAY CO.
AND LOUISVILLE AND NASHVILLE
RAILROAD CO.**

Abandonment of Lines

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in a newspaper of general circulation in Indianapolis, Ind., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 1st day of May, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-10 (Sub-No. 5)]

**NORFOLK AND WESTERN RAILWAY COMPANY
ABANDONMENT OF PORTION OF MUNCIE DIVISION
IN CITY OF INDIANAPOLIS, INDIANA**

[No. AB-2 (Sub-No. 6)]

**LOUISVILLE AND NASHVILLE RAILROAD COMPANY
ABANDONMENT BETWEEN 17TH AND 10TH
STREETS IN INDIANAPOLIS, MARION COUNTY,
INDIANA**

The Interstate Commerce Commission hereby gives notice that by order dated May 1, 1974, it has been determined that the proposed abandonments (1) by the Norfolk and Western Railroad Company of a line of

railroad between East 10th and East 13th Streets, a distance of approximately 0.26 miles, and (2) by the Louisville and Nashville Railroad Company of a line of railroad between East 10th and East 17th Streets, a distance of approximately 3,500 feet, both in the City of Indianapolis, Ind., if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that the environmental effects are considered insignificant because no rail service has been provided over the Norfolk and Western Line since August, 1970, and there are no identifiable prospects for a demand for service over the line in the foreseeable future, and the sole shipper served by the Louisville and Nashville line will continue to have direct access to rail service over the Indianapolis Belt Railway. In addition, the abandonments are consistent with local land use plans in the involved area because they will eliminate the necessity of constructing a new railroad bridge in connection with the city's thoroughfare rehabilitation project.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 30, 1974.

[FR Doc. 74-11213 Filed 5-14-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 10, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 27, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-25798 (Sub-No. E29), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's rep-

resentative: Tony G. Russell, P.O. Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables products*, from Seabrook, N.J., to points in Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC-30280 (Sub-No. E1), filed May 1, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). 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, commodities requiring special equipment, and those injurious or contaminating to other lading), from those points in Georgia on and north of Interstate Highway 85 to those points in South Carolina on and north of a line beginning at the North Carolina-South Carolina State line thence along U.S. Highway 276 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to Batesburg, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to Charleston. The purpose of this filing is to eliminate the gateway Greenville, S.C.

No. MC-30280 (Sub-No. E10), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from those points in North Carolina west of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, to New York, N.Y. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC-30280 (Sub-No. E11), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to those points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction unnumbered highway (formerly

portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, and thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC-30280 (Sub-No. E12), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). 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, commodities requiring special equipment, and those injurious or contaminating to other lading), from Norfolk, Va., to Burlington, Thomasville, Winston-Salem, Yanceyville, and High Point, N.C., and those points in that part of North Carolina on and west of U.S. Highway 29 and within 30 miles of Danville, Va. The purpose of this filing is to eliminate the gateway of Danville, Va.

No. MC 55777 (Sub-No. E1), filed April 4, 1974. Applicant: MILLS TRANSFER CO., 47 Sycamore Street, Gallipolis, Ohio 45631. Applicant's representative: John M. Friedman, 2930 Potnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (1) from points in that part of Pennsylvania on and east of U.S. Highway 15, and points on West Virginia to points in Illinois, Indiana (except South Bend), Kentucky, and Tennessee (except Johnson City), and (2) from points in Ohio on and north of U.S. Highway 40, and on and east of U.S. Highway 23, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Wellston, Ohio.

No. MC-76177 (Sub-No. E22), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair, 2 South 32nd Street, Birmingham, Ala. 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, between points in Alabama, Florida, and Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC-95540 (Sub-No. E46), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and east of a line beginning at the Georgia-Florida State line, thence south along U.S. Highway 319 to Medart, thence along Highway 98 to Teresa on the Gulf of Mexico, to points in Alabama on and north of a line beginning at the Georgia-Alabama State line, thence west along Alabama Highway 22 to Newsite, thence along Alabama Secondary Highway 86 to Goodwater, thence along U.S. Highway 78 to Guin, thence along U.S. Highway 278 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E47), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E58), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Delaware. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E85), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of the line beginning at Jenner on the Pacific Ocean, thence along California Highway 116 to Santa Rosa, thence along California Highway 12 to Lodi, thence along California Highway 88 to the California-Nevada State line, to points in Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Maryland State line, thence north along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Delaware River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E89), filed April 19, 1974. Applicant: WATKINS

MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30342. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Birmingham, Ala., to points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to its junction with Florida Highway 369, thence along Florida Highway 369 to Crawfordville, thence along U.S. Highway 319 to Medart, thence along U.S. Highway 98 to St. Teresa on the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E117), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in California, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E119), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on and south of Interstate Highway 8 to points in New York. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E122), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Nevada. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E123), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to

the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from Cincinnati, Ohio, to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E124), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Washington. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E125), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E180), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E184), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Oregon. The purpose of this filing is to eliminate the gateway of Gulfport, Mississippi.

No. MC-100666 (Sub-No. E4) (CORRECTION), filed March 25, 1974, published in the FEDERAL REGISTER April 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). In No. MC-100666 (Sub-No. E4); (2) *Composition boards, and materials, supplies, and accessories* incidental to the installation thereof, from the plant site of the Celotex Corporation at Marrero, La., to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washing-

ton, and points in Arizona on, north, and west of U.S. Highway 160 from the Arizona-Colorado State line to junction U.S. Highway 89; thence along U.S. Highway 89 to Flagstaff; thence along Alternate U.S. Highway 89 to Prescott; thence along U.S. Highway 89 to junction U.S. Highway 60; thence along U.S. Highway 60 to junction I-10; thence along I-10 to Arizona-California State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Kans. The purpose of this correction is to set forth the proper route description.

No. MC-100666 (Sub-No. E55), filed April 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May, P.O. Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compound joint sealer, bonding cement, and accessories* used in the installation of such products (except commodities in bulk), from Waco, Tex., to points in North Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Smith Plastics, Inc., at Little Rock, Ark.

No. MC-105457 (Sub-No. E2), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Russell County, Ala., on the one hand, and, on the other, points in South Carolina, and (B) *General commodities* (with exceptions as specified in (A) above, and except livestock and commodities injurious or contaminating to other lading), between points in Russell County, Ala., on the one hand, and on the other, (1) points in that part of North Carolina east of U.S. Highway 29 and Winston-Salem, N.C., and (2) those points in Virginia on and east of a line beginning at the Kentucky-Virginia State Line along U.S. Highway 460 to Oakwood, Va., thence along Virginia Highway 621 to Honaker, Va., thence along Virginia Highway 80 to junction Virginia Highway 740, thence along Virginia Highway 740 to junction U.S. Highway 58, thence along U.S. Highway 58 to Damascus, Va., thence along Virginia Highway 133 to the Virginia-North Carolina State Line. The purpose of this filing is to eliminate the gateways of (1) Columbus, Ga., (2) any point in Georgia, (3) any point in that part of South Carolina within 150 miles of Charlotte, N.C., and west of a line extending from the North Carolina-South Carolina State Line along South Carolina Highway 59 to York, thence along U.S. Highway 321 to Chester, thence along U.S. Highway 21

to Columbia, and thence along South Carolina Highway 5 to Ulmers, not including points on the highways specified, (4) Charlotte, N.C., and (5) Roanoke Rapids, N.C.

No. MC-105457 (Sub-No. E6), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (A) between Columbia, Tenn., on the one hand, and, on the other, points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State line, thence along U.S. Highway 23 to Dillard, thence along an unnumbered Highway through Titus, Ga., to U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 197, thence along Georgia Highway 197 to junction Georgia Highway 255, thence along Georgia Highway 255 to Sautee, thence along Georgia Highway 17 to Clarksville, thence along Georgia Highway 15 to junction Georgia Highway 98 at or near Homer, thence along Georgia Highway 98 to Maysville, thence along Georgia Highway 82 to junction Georgia Highway 330, thence along Georgia Highway 330 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Georgia Highway 209 at or near Bogart, thence along Georgia Highway 209 to junction Georgia Highway 186, thence along Georgia Highway 186 to Bishop, thence along U.S. Highway 441, to Pearson, thence along U.S. Highway 221 to junction U.S. Highway 129 to the Georgia-Florida State Line; (B) between Cookeville, Tenn., on the one hand, and, on the other, points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State Line, thence along U.S. Highway 441 to junction Georgia Highway 98 at or near Homer, thence along Georgia Highway 98 to junction Georgia Highway 82, thence along Georgia Highway 82 to Jefferson, thence along Georgia Highway 11 to Gray, thence along Georgia Highway 18 to junction Georgia Highway 57, thence along Georgia Highway 57 to Irwinton, thence along U.S. Highway 441 to Braxton, thence along Georgia Highway 268 to junction Georgia Highway 149, thence along Georgia Highway 149 to junction Georgia Highway 135 at or near Willacochee, thence along Georgia Highway 135 to junction Georgia Highway 76 to Nashville, thence along Georgia Highway 125 to Valdosta, thence along Georgia Highway 31 to the Florida-Georgia State Line;

(C) Between Murfreesboro, Tenn., on the one hand, and, on the other, points in that part of Georgia on and east of a

line beginning at the Georgia-North Carolina State Line, thence along U.S. Highway 441 to junction Georgia Highway 98, thence along Georgia Highway 98 to Commerce, thence along U.S. Highway 441 to Pearson, thence along U.S. Highway 221 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State Line; and (D) between Nashville, Tenn., on the one hand, and, on the other, points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State Line, thence along U.S. Highway 23 to Dillard, thence along an unnumbered Highway through Titus, to U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 197, thence along Georgia Highway 197 to junction Georgia Highway 225, thence along Georgia Highway 225 to Sautee, thence along Georgia Highway 17 to Clarksville, thence along U.S. Highway 23 to junction Georgia Highway 15 at or near Baldwin, thence along Georgia Highway 15 to Homer, thence along Georgia Highway 98 to Maysville, thence along Georgia Highway 82 to Jefferson, thence along Georgia Highway 11 to junction Georgia Highway 142, thence along Georgia Highway 142 to Willard, thence along Georgia Highway 16 to Eatonton, thence along U.S. Highway 441 to Pearson, thence along U.S. Highway 221 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-Florida State Line. The purpose of this filing is to eliminate the gateway of points in South Carolina.

No. MC-106647 (Sub-No. E3), filed May 2, 1974. Applicant: CLARK TRANSPORT CO., INC., 13101 S. Torrence Ave., the gateway of Cedartown, Ga.; (B) Chicago, Ill. 60633. Applicant's representative: Edward E. Coit (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis, and cabs*, in secondary movements, in truckway service, from Detroit, Mich., and points in Illinois, Indiana, Iowa, Maryland, Ohio, Pennsylvania, and the District of Columbia, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Chicago, Chicago Heights, Ill., or Clinton, Iowa.

No. MC-107002 (Sub-No. E1), filed April 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant site and facilities of Tenneco Chemicals, Inc., at Pensacola and Telogia, Fla., and Bay Minette, Ala., to points in Minnesota, restricted against the transportation of petroleum products from Pensacola, Fla. The purpose of this filing is to eliminate *Liquid chemicals*, in bulk, in tank vehicles, from the plant site and facilities of Tenneco Chemicals, Inc., at Pensacola

and Telogia, Fla., and Bay Minette, Ala., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss.

No. MC-111375 (Sub-No. E2), filed April 5, 1974. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *cheese*, from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Purpose of this filing is to eliminate the gateway of points in that part of Wisconsin south and west of a line beginning at the Wisconsin-Iowa State line near Prairie du Chien, Wis., thence over U.S. Highway 18 to the junction of U.S. Highway 12, thence over U.S. Highway 12 to the Wisconsin-Illinois State line. (b) *frozen fruits and vegetables*, from points in California to points in that part of Wisconsin south and west of a line beginning at the Wisconsin-Minnesota State line near La Crosse, Wis., thence over U.S. Highway 16 to the junction of U.S. Highway 12, thence over U.S. Highway 12 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-111375 (Sub-No. E3), filed April 5, 1974. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Powdered milk*, when moving in the same vehicle and at the same time with a commodity subject to economic regulation under the Interstate Commerce Act, from Chicago, Ill., to Phoenix, Ariz., Portland, Oreg., Spokane, Wash., and points in California, Montana, and Wyoming. The purpose of this filing is to eliminate the gateway of points within the Eau Claire, Wis., Commercial Zone as defined by the Commission which are not within the municipal limits of Eau Claire and are located south and west of U.S. Highway 12.

(B) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Ill., to Los Angeles, San Francisco, and San Diego, Calif. The purpose of this filing is to eliminate the gateway of points within the Madison, Wis., Commercial Zone, as defined by the Commission, which are not within the municipal limits of Madison and are south and west of U.S. Highway 12.

(C) *Powdered milk*, when moving in the same vehicle and at the same time with a commodity subject to economic regulation under the Interstate Commerce Act, *powdered milk*, containing animal or vegetable fats ingredients, *canned creams dietary liquids, milk and cream substitutes, dessert preparations,*

and beverage preparations, from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points within the Menomonie, Wis., Commercial Zone as defined by the Commission, which are not within the municipal limits of Menomonie, and are south and west of U.S. Highway 12.

(D) (1) *Powdered milk* when moving in the same vehicle and at the same time with a commodity subject to economic regulation under the Interstate Commerce Act (otherwise authorized), and (2) *Powdered milk*, containing animal or vegetable ingredients, *canned milk and cream dietary liquids, milk and cream substitutes, beverage and dessert preparations and ingredients thereof, and shortening* (except in D (1) and (2) commodities in bulk), from Chicago, Ill., to points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of points within the Madison, Wis., Commercial Zone, as defined by the Commission, which are not within the municipal limits of Madison, and are south and west of U.S. Highway 12.

(E) *Pickles, sauerkraut, and horseradish*, from Chicago, Ill., to points in Arizona. The purpose of this filing is to eliminate the gateway of points within the Eau Claire, Wis., Commercial Zone, as defined by the Commission, which are not within the municipal limits of Eau Claire and are south and west of U.S. Highway 12.

(F) (1) *Foodstuffs* (except fresh meat), and (2) *fresh meat* when moving in mixed loads with the commodities in F(1) above, from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points within the Fort Atkinson, Wis., Commercial Zone which are not within the municipal limits of Fort Atkinson, and are south and west of U.S. Highway 12.

No. MC-111625 (Sub-No. E1), filed April 22, 1974. Applicant: BERMAN'S MOTOR EXPRESS INC., P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: J. Edward Derrick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring special equipment), from Elmira, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateway of points in Broome County, N.Y.

No. MC-112822 (Sub-No. E27), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Petroleum products*, in packages and containers, from Wichita, Kans., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Enid and Ponca City, Okla.

No. MC-112822 (Sub-No. E28), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from El Dorado, Kans., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Enid and Ponca City, Okla.

No. MC-113362 (Sub-No. E3), filed May 2, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Melton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Houston, Tex., to points in Minnesota, except Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of points in Iowa within 15 miles of Elmore, Minn.

No. MC-113843 (Sub-No. E2), filed April 29, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to Richmond, Va. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC-114019 (Sub-No. E17), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of the Appendix to *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from points in Wisconsin and Iowa to Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and Washington, D.C., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-114045 (Sub-No. E10), filed May 3, 1974. Applicant: TRANS-COLD

EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients for sauces, salad dressings, soup mixes, and soft drinks, from Wilmington and Dover, Del., to points in Arkansas.* The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-114045 (Sub-No. E11), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen baking products, from Houston, Del., to points in Colorado, New Mexico, California, Oregon, Washington, Nevada, Arizona, and Utah.* The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E12), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients for sauces, salad dressings, soup mixes, and soft drinks, from Wilmington and Dover, Del., to New Orleans and Shreveport La.* The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC-114045 (Sub-No. E13), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products, from Hartford, Norwalk, and Wethersfield, Conn., to points in Colorado, New Mexico, California, Oregon, Washington, Nevada, Arizona, and Utah.* The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E14), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, including boned or boned and stuffed poultry, from Pomfret Center, Conn., to points in Arizona and California.* The purpose of this filing is to eliminate the gateway of Wapakoneta, Ohio.

No. MC-114045 (Sub-No. E17), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Frozen fruits, frozen vegetables, and frozen berries, and frozen fish, and frozen poultry* when moving in the same vehicle with frozen fruits, vegetables and berries, from points in California to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-114045 (Sub-No. E19), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods toppings, from Wilmington and Dover, Del., to points in California, Oregon, Washington, Nevada, and Utah.* The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E20), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables, from points in California to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.* The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-114045 (Sub-No. E21), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices and juice concentrates, from Ventura, Anaheim, and Corona, Calif., to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted against the transportation of the above-specified commodities unless they are transported in mixed loads with frozen vegetables, frozen fruits, and frozen berries, or with frozen fish and frozen poultry when moving in the same vehicle with frozen fruits, frozen vegetables, and frozen berries.* The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-115840 (Sub-No. E1), filed April 15, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, as encompassed by iron and steel mill products (except commodities used in or in connection with discovery, development,*

production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from points in Florida east of U.S. Highway 331 and points in Georgia to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-115840 (Sub-No. E2), filed April 15, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, the transportation of which because of their size or weight require the use of special equipment (except commodities used in or in connection with discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from points in Florida east of U.S. Highway 331 and points in Georgia to points in Arkansas and Oklahoma.* The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-117119 (Sub-No. E14), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, from the plantsite of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in Ohio, New York, Pennsylvania, New Jersey, Connecticut, Indiana, Massachusetts, West Virginia, Maryland, Delaware, and the District of Columbia.* The purpose of this filing is to eliminate the gateway of Quincy, Ill.

No. MC-127042 (Sub-No. E3), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of and storage facilities utilized by Bird Provision Company at or near Pekin, Ill., to points in Idaho and Montana, and points in Baker and Malheur Counties, Ore.* The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC-127042 (Sub-No. E6), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat prod-*

ucts 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 (except hides and commodities in bulk) from the plant site and storage facilities of Blue Ribbon Beef Packing, Inc., near Le Mars, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateway of West Point, Nebr.

No. MC-127042 (Sub-No. E9), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from West Point, Nebr., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Hosper, Iowa.

No. MC-128273 (Sub-No. E1), filed May 2, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products (A)* from Savannah, Ga., and the facilities of Union Camp Corp., in Autauga County, Ga., to Chicago, Ill.; (B) from Lock Haven, Pa., to Mobile, Ala.; (C) from Franklin, Va., to those points in Tennessee on and west of U.S. Highway 45 and 45E; (D) from Memphis, Tenn., to points in Indiana, Illinois, Michigan, Wisconsin, Minnesota, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and West Virginia, restricted to the transportation of traffic originating at the facilities of Kimberly-Clark Corporation at Memphis, Tenn.; and (E) from Mobile, Ala., and Moss Point, Miss., to points in Michigan, Minnesota, and Wisconsin; and (2) *paper*, from points in Talladega County, Ala., to points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wickliffe, Ky.

No. MC-128383 (Sub-No. E44), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between John F. Kennedy International Airport, New York, N.Y., and Bradley International Airport, Hartford County, Conn., restricted to the transportation of traffic having a prior or subsequent movement

by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

No. MC-128383 (Sub-No. E49), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between John F. Kennedy International Airport, New York, N.Y., and Oneida County Airport, Oneida County, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Schenectady County Airport, Schenectady County, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-11207 Filed 5-14-74; 8:45 am]

[Notice No. 39]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 10, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 6607 (Sub-No. 12) (CORRECTION OF A REPUBLICATION), filed May 11, 1973, and published in the FEDERAL REGISTER issues of July 12, 1973, and May 5, 1974, and in third publication this issue. Applicant: J. J. MINNEHAN, INC., P.O. Box 433, Scarborough, Maine 04074. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. An order of the Commission, Operating Rights Board, dated April 10, 1974, and served April 23, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *corn products and blends of corn products with other sweeteners*, from Boston, Mass., to points in

(a) New Hampshire, Vermont, and Rhode Island, (b) that part of Maine bounded by a line beginning at the junction of U.S. Highway 2 and the Maine State-New Hampshire-line and extending in any easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternating U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine, thence in a easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43, thence along the western shore of the Penobscot River and Penobscot Bay to Atlantic Ocean to the Maine-New Hampshire State Line, and thence along the Maine-New Hampshire State Line to the point of beginning, and (c) that part of Connecticut on and east of a line beginning at the junction of Connecticut Highway 159 and the Connecticut-Massachusetts State Line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the junction of Interstate Highway 91 and U.S. Highway 5 thence in a southerly direction along U.S. Highway 5 to New Haven, Conn., including points on the above-described boundary lines, under a continuing contract or contracts with Amstar Corporation, of New York, N.Y., and Revere Sugar Refinery of Charlestown, Mass., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this correction is to more clearly indicate the authority granted. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124251 (Sub-No. 33) (REPUBLICATION), filed November 12, 1973, and published in the FEDERAL REGISTER issue of December 20, 1973, and republished this issue. Applicant: JACK JORDAN, INCORPORATED, P.O. Box 689, Dalton, Ga. 30702. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. An Order of the Commission, Operating Rights Board, dated April 18, 1974, and served May 3, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *hydrated and calcined alumina*, dry, in bulk, from points

in Murray County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to clarify the commodity description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129427 (Sub-No. 4) (REPUBLICATION), filed August 21, 1973, and published in the FEDERAL REGISTER issue of October 31, 1973, and republished this issue. Applicant: JOSEPH GEORGIANA, 26 Lafayette Street, Somerset, N.J. 08873. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Operating Rights Board, dated April 8, 1974, and served April 29, 1974, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of cigar boxes, books, book and record slip cases, records, record albums, corrugated containers, and pulpboard and pulpboard boxes, between New Brunswick and Bloomfield, N.J., on the one hand, and, on the other, New Berlin, Wis., Kingsport, Tenn., and Winchester, Va., under continuing contracts with Alexander Ungar, Inc., and Harry F. Ungar Corp., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the addition of books as a commodity to be transported. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133363 (Sub-No. 3) (REPUBLICATION), filed September 12, 1972, and published in the FEDERAL REGISTER issue of October 5, 1972, and republished this issue. Applicant: WILLIAM T. HAR-

RIS and THEATRIS HARRIS, a Partnership, doing business as HARRIS BROS. CO., 1317-1325 South 49th Street, Philadelphia, Pa. 19134. Applicant's representative: Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006. A Decision and Order of the Commission, Division 1, dated April 8, 1974, and served April 16, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) stereo equipment, radios, sewing machines, and cabinets, parts and materials therefor, (a) from Savannah, Ga., New York, N.Y., Los Angeles, Calif., Seattle, Wash., and Philadelphia, Pa., to the facilities of Morse Electro Products Corp., at Atlanta, Ga., New York, N.Y., Framingham, Mass., Chicago, Ill., Kent, Wash., Pacoima, Calif., and Dallas, Tex., restricted to the transportation of traffic having an immediately prior movement by water in foreign commerce, and (b) between the facilities of Morse Electro Products Corp., at Atlanta, Ga., New York, N.Y., Framingham, Mass., Chicago, Ill., Kent, Wash., Pacoima, Calif., and Dallas, Tex., and (3) parts and materials for stereo equipment, radios, and sewing machines, from Birmingham, Ala., and Memphis and Nashville, Tenn., to the facilities of Morse Electro Products Corp. at Atlanta, Ga., New York, N.Y., Framingham, Mass., Chicago, Ill., Kent, Wash., Pacoima, Calif., and Dallas, Tex., and (3) parts and materials for stereo equipment, radios, and sewing machines, from Miami and Jacksonville, Fla., to the facilities of Morse Electro Products Corp., at Atlanta, Ga., New York, N.Y., Framingham, Mass., Chicago, Ill., Kent, Wash., Pacoima, Calif., and Dallas, Tex., under a continuing contract with Morse Electro Products Corp., of Brooklyn, N.Y.

The purpose of this republication is to show that the shipper's Massachusetts facilities are located in Framingham rather than Boston, Mass. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 2253 (Sub-No. 40) (NOTICE OF FILING OF PETITION TO ELIMINATE AN OFF ROUTE POINT SERVICE RESTRICTION), filed April 19, 1974. Petitioner: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, P.O. Box 697, Cherryville, N.C. 28021. Petitioner's representative: W. C. Mauldin (same address as petitioner). Petitioner holds a motor common carrier certificate in No. MC 2253 (Sub-No. 40), issued February 27, 1970, authorizing transportation, over regular routes, of

General commodities (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kings Mountain, N.C., and New York, N.Y., serving the intermediate points of Gastonia, Belmont, Charlotte, Concord, Albemarle, China Grove, Salisbury, Thomasville, Lexington, High Point, Greensboro, Burlington, Durham, Oxford, Troy, Biscoe, Carthage, Sanford, Raleigh, Franklin, Henderson, and Kannapolis, N.C., Richmond, Va., Baltimore and Havre de Grace, Md., Wilmington, Del., Chester and Philadelphia, Pa., and Trenton and Newark, N.J.; and the off-route points of Lincoln, Hickory, Maiden, Newton, Mt. Holly, Statesville, Winston-Salem, Reidsville, and Chapel Hill, N.C., York, Norristown, West Chester, and Pittsburgh, Pa., Camden, Stanton, Bridgeton, Paterson, Bayonne, Jersey City, Perth Amboy, and Hoboken, N.J., Camden, Wyoming, and Houston, Del., Danville, Lynchburg, and Newport News, Va., and Salisbury and Cumberland, Md.; (a) from Kings Mountain over U.S. Highway 29 via Salisbury, N.C., to Greensboro, N.C. (also from junction U.S. Highway 29 and Alternate U.S. Highway 29 near Concord, N.C., over Alternate U.S. Highway 29 to Junction U.S. Highway 29 near China Grove, N.C., and thence over U.S. Highway 29 to Salisbury), thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and return over the same routes; and (b) from Kings Mountain over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Henderson, N.C., thence to New York as specified above, and return over the same route; and (2) between Charlotte, N.C., and New York, N.Y., serving the intermediate and off-route points of Rocky Mount, Tarboro, Aberdeen, Fayetteville, New Bern, Wilson, Greenville, Goldsboro, and Elizabeth City, N.C., Suffolk, Portsmouth, and Norfolk, Va., and Dover, Del.; from Charlotte over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Raleigh, N.C., thence over U.S. Highway 64 to Tarboro, N.C., thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 58 to Norfolk, Va., thence across the Chesapeake Bay to Cape Charles, Va., thence over U.S. Highway 13 to Chester, Pa., thence across the Delaware River to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 206, thence over U.S. Highway 206 to Trenton, N.J., thence over U.S. Highway 1 to New York, and return over the same route. By the instant petition petitioner seeks to elimi-

nate the off-route points of Pittsburgh, Pa., from the above quoted restriction. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119738 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed April 29, 1974. Petitioner: HAGGARD HEAVY HAULING, INC., 2100 Guinotte, Kansas City, Kans. 64102. Petitioner's representative: Louis J. Amato, 1301 Ambassador Building, St. Louis, Mo. 63101. Petitioner holds a motor common carrier certificate in No. MC 119738 (Sub-No. 1), issued September 27, 1973, authorizing, as pertinent, transportation, over irregular routes, of heavy machinery and construction materials, between points in Missouri and Kansas. By the instant petition, petitioner seeks to modify its commodity description to read: "heavy machinery, construction materials, and commodities, the transportation of which because of size or weight require the use of special equipment and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 112107 (Sub-No. 9) (CORRECTION), filed March 6, 1974, published in the FEDERAL REGISTER issue of April 24, 1974, and republished as corrected this issue. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 520 Main Street, Wallington, N.Y. 07057. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. 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 points in Connecticut as off-route points in connection with carrier's regular routes between Paterson, N.J., and Providence, R.I. (also between New London, Conn., and Providence, R.I.).

NOTE.—The purpose of this republication is to correct MC-F-12163 in lieu of MC-12163 which was previously published incorrectly. The purpose of this application is to convert the Certificate of Registration issued to Reliable Warehouse Company in MC-99328 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC-F-12163 published in the FEDERAL REGISTER issue of March 20, 1974. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC-F-11775. (Supplemental) (J. V. McNICHOLAS TRANSFER COMPANY—CONTROL—TOM'S EXPRESS, INC.), published in the January 24, 1973, issue of the FEDERAL REGISTER on pages 2368 and 2369. The merger of Tom's Express, Inc., of Weirton, W. Va., into J. V. McNicholas Transfer Company, of Youngstown, Ohio, subject to the present republication, was authorized by order of the Commission, Appellate Division 3, dated March 21, 1974, which modified the order of the Commission, Review Board 5, dated December 17, 1973, authorizing the acquisition by J. V. McNicholas of control of Tom's Express, Inc., through the purchase of all of Tom's stock for \$1,000,000. The Division, in the same order, also authorized the acquisition by Henry J. McNicholas, of control of the operating rights and property of Tom's through the merger. The Interstate operating rights of Tom's Express, Inc., to be merged into J. V. McNicholas Transfer Company are those described in certificates issued in Nos. MC-10788, MC-10788 (Sub-Nos. 3 and 4), to the extent described in the order of December 17, 1973.

No. MC-F-12185 (Correction) (MCLEAN TRUCKING COMPANY—CONTROL—SOUTH TEXAS MOTOR LINES, INC.), published in the April 17, 1974, issue of the FEDERAL REGISTER on page 13828. Prior notice should be modified to read: MCLEAN TRUCKING COMPANY—CONTROL AND MERGER—SOUTH TEXAS MOTOR LINES, INC., and to include applicant's attorneys: Francis W. McInerney, and Harry J. Jordan, both of 1000 Sixteenth St. NW., Washington, D.C. 20036.

No. MC-F-12210. Authority sought for purchase by (A) JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, of a portion of the operating rights of JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Jackson, MS 39204, and (B) JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, purchase a portion of the operating rights of JONES TRUCK LINES, INC., and for acquisition by HARVEY JONES, also of Springdale, Ark. 72764, of control of such rights through the purchase. Applicant's attorney: A. Alvis Layne, 915 Pennsylvania

Bldg., Washington, D.C. 20004. Operating rights sought to be transferred: (A) General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier, over irregular routes, between Jackson, Miss., on the one hand, and, on the other, points in that part of Mississippi on and south of Mississippi Highway 4, on and west of Interstate Highway 55, and on and north of Mississippi Highway 8, except points on U.S. Highway 51 and points in their commercial zones; and (B) General commodities, except those of unusual value, Classes A and B explosives, liquid commodities in bulk, and household goods as defined by the Commission, over regular routes, between Memphis, Tenn., and Winona, Miss., serving all intermediate points, with restriction. (A) Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii), and (B) Vendee is authorized to operate as a common carrier in Mississippi. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-11231 (Sub-No. 186), is a matter directly related.

No. MC-F-12212. Authority sought for purchase by DELTA LINES, INC., 333 Hegenberger Rd., Oakland, CA 94621, of a portion of the operating rights and property of RINGSBY TRUCK LINES, INC., 5773 So. Prince St., Littleton, CO 80120, and for acquisition by DELTA CALIFORNIA INDUSTRIES, 600 Montgomery St., San Francisco, CA 94111, of control of such rights and property through the purchase. Applicants' attorneys: Marshall G. Berol, 100 Bush St., 21st Floor, San Francisco, CA 94104, and Alvin J. Meiklejohn, 1660 Lincoln St., Suite 1600, Denver, CO 80203. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes, between San Bernardino, Calif., and Las Vegas, Nev., between Los Angeles, and San Bernardino, Calif., between Las Vegas, and Boulder City, Nev., between Las Vegas, and Mercury, Nev., between Battle Mountain, and Tonopah, Nev., with restriction, between junction U.S. Highway 6 and Nevada Highway 47, and Silverpeak, Nev., between Beatty, Nev., and Mojave, Calif., between Tonopah, and Las Vegas, Nev., between Los Angeles, and Death Valley Junction, Calif., between junction U.S. Highway 95 and Nevada Highway 29, and Death Valley Junction, Calif., and Beatty, Nev., between Las Vegas, and Henderson, Nev., serving various intermediate and off-route points; general commodities, with exceptions over irregular routes, from Tonopah, Nev., to Manhattan, Round Mountain, Gold Point, Cuprite, Lida, Goldfield, Klondyke, Silverbeak, Blair Junction, Gilbert, Millers, and Coaldale, Nev., and points within five miles of each and return to Tonopah, Nev., over one alternate route for operating convenience only. Vendee is authorized to operate as a common carrier in California and Nevada. Application has been filed

for temporary authority under section 210a(b).

NOTE.—MC-56640 (Sub-No. 33), is a directly related matter.

No. MC-P-12213. Authority sought for purchase by C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas TX 75222, of a portion of the operating rights of A. A. MARTIN TRANSPORTATION CO., INC., 194 W. First St., South Boston, MA 02127, and for acquisition by TYLER CORPORATION, 3121 Southland Center, Dallas, TX, of control of such rights through the purchase. Ap-

plicants' attorneys: Thomas E. James, P.O. Box 5976, Dallas, TX 75222, and Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be transferred: *Heavy machinery, and such commodities*, requiring specialized handling or rigging because of size or weight, as a *common carrier* over irregular routes, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in New Hampshire and that part of Maine south of a line beginning at the Atlantic Ocean, 5 miles north of Cutler, Maine, and extending in a west-

erly direction through Machias, Bangor, and Wilsons Mills to the Maine-New Hampshire State line, between points in Maine, between points in Vermont. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11208 Filed 5-14-74; 8:45 am]

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PART II

OFFICE OF MANAGEMENT AND BUDGET

■

**REPORT UNDER FEDERAL
IMPOUNDMENT AND
INFORMATION ACT**

OFFICE OF MANAGEMENT AND BUDGET

REPORT UNDER THE FEDERAL IMPOUNDMENT AND INFORMATION ACT

HON. GERALD T. FORD,
President of the Senate,
Washington, D.C. 20510.

MAY 3, 1974.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF APRIL 20, 1974

The Apportionment and Reservation of Funds Process.—The Antideficiency Act (31 U.S.C. 665) requires, with certain exceptions, that all appropriations, funds, and contract authority be apportioned so as to: prevent obligation of funds in a manner which would require deficiency or supplemental appropriations; achieve the most effective and economical use of amounts made available; provide for contingencies; and effect savings. The Act also requires that apportionments shall be reviewed at least four times each year, and it authorizes reapportionments and the establishment of reserves. The authority granted by this Act is exercised by the Director of the Office of Management and Budget under authority delegated by the President.

Apportionments specify the amounts that may be obligated during specific time periods, usually within the current fiscal year. In some cases, specific provisions of law provide that funds should be available over a period longer than one year. In cases where the amount of contract authority available a year in advance is specified by law, a distinction is made in the accompanying report (Attachment D) between the 1974 and 1975 programs.

The practice of withholding some amounts—"reserving" them—from apportionment, either temporarily or for longer periods, is one of long-standing and has been exercised by all recent administrations as a customary part of financial management. The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. When funds are, by law, made available beyond the current fiscal year, they are generally not fully apportioned in the current year. The unapportioned part is withheld to be released later for use in subsequent years, as required.

In some legislative and appropriation actions, the Congress has required the withholding of specified funds. For example, the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act (Pub. L. 92-399) explicitly required that an amount be placed in reserve pending an administrative determination of need. In other cases, notably the 1974 Labor-HEW Appropriations Act (Pub. L. 93-192), Congress has authorized the withholding from obligation and expenditure of specified amounts or percentages of appropriated funds. A table showing the amounts withheld under Pub. L. 93-192 is Attachment A to this report. A similar withholding was authorized by the 93d Congress in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1974. The Act provided an indefinite authorization to make insured loans in the Rural Electrification and Telephone Revolving Fund as follows (dollars in millions):

	Not less than—	Not more than—
Electric loans.....	618	750
Telephone loans.....	140	200
Total.....	758	950

The 1974 authority to spend debt receipts to finance loan activity was apportioned at the \$758 million level.

In yet another case, Congress has made funds available only upon the arrival of certain contingencies. The 1974 Supplemental Appropriations Act (Pub. L. 93-245) set aside a contingency reserve for the Interior Department's Office of Oil and Gas which is to become available only upon enactment of emergency energy legislation.

These Congressional directives are, however, the exception rather than the rule. Most reserves are established at the initiative of the Executive Branch and are based on operational knowledge of the status of specific projects or activities. For example, when a particular objective can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). From time to time, reserves are established for the purpose of conforming to the requirements of other laws. An ex-

ample is the Executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Most, but not all, funds provided by the Congress are subject to the apportionment process. Subsection (f) of the Antideficiency Act authorizes a series of exemptions. Temporary continuing appropriations are exempt from the apportionment process (Pub. L. 93-52, as amended, Section 103). Appropriations provided under such temporary continuing appropriation acts are usually indefinite in amount. In addition, some laws establish funding arrangements which are either outside the apportionment process or require Executive determinations before they become subject to apportionment. The Federal Water Pollution Control Act of 1972 (Pub. L. 92-500), for example, vests discretion in the Administrator of the Environmental Protection Agency to allot less than the maximum amounts authorized by the Act.^{1a} Under the provisions of the Act, authority to make contracts does not exist until the allotment is made. Consequently, fund availability (budget authority) exists only when allotments are made and only allotted funds move through the apportionment process. At this date, funds authorized by the Federal Water Pollution Control Act have been allotted on the following basis (dollars in billions):

Fiscal years	Authorized	Allotted	Unallotted
1973.....	5	2	3
1974.....	6	3	3
1975.....	7	4	3

Funding of certain housing programs of the Department of Housing and Urban Development (HUD) presents a unique situation with respect to the apportionment process. For five housing programs, the Congress provides commitment authority that allows the Secretary of HUD to sign long-term contracts requiring annual payments to specific housing units. The commitment authority is not subject to the apportionment (and thus the reserve) process since it does not represent obligational authority of a given year. Rather, it represents an authorization to enter into contracts which will result in a requirement for obligational authority (payments) in each of the years covered by the contract. Current plans anticipate that the commitments for annual payments will be some \$299 million under the level made available by the Congress for four of these programs. If used, the \$299 million of authority could result in outlays of up to \$10 billion over the life of the contracts. As the payments under the contracts come due, they are met by annual appropriations (provided under the account "Housing payments" which also covers low-rent public housing).

^{1a} Whether the discretion exists at the allotment stage or at some later stage is now before the courts.

Thus, funds are only required to meet annual payments under the contracts. They are not required at the time the contracts are signed and are made available only when actually appropriated. Since reserves are established only on the basis of fund availability, and since funds appropriated for this program are needed for making payments at an early date, no reserves have been established for the subsidized housing programs.

The amount of funds apportioned or held in reserve at any one time is heavily dependent upon events both preceding and following initial apportionment actions. Key among the predecessor events is the passage of the annual appropriation bills. Apportionments for most Federal programs are made within 30 days of enactment of the appropriation bills. The earlier in the fiscal year these apportionments occur, the greater is the chance that reserves will accompany them. Early in the fiscal year, program and project plans are incomplete and allowances need to be made for contingencies which may occur later in the year. As administrative plans are completed and other events occur during the year, the need for reserving funds diminishes. Thus, for any one fiscal year, the amount in reserve is relatively low at the beginning of the year (reflecting primarily multi-year funds), peaks 30 days after passage of most of the appropriation bills, and then steadily diminishes as the end of the fiscal year approaches.

Reserves as of April 20, 1974.—All but

\$3.1 billion of the \$10.4 billion in reserve for 1974 is accounted for by reserve actions in three areas: Federal-aid highways (\$3.4 billion), emergency security assistance for Israel (\$2.2 billion which was released on April 25, 1974), and programs of the Department of Defense (\$1.7 billion). Virtually all of the \$6.3 billion in reserve for 1975 is in the Federal-aid highways account and other highway programs.

The reduction of \$1.4 billion in budgetary reserves for 1974 reflects the completion of program and project plans since the February 4 report. Reserves have been maintained in some programs to await program development and to meet contingencies during the remainder of the 1974 program-year. In other programs, funds are being held in reserve to meet increased pay costs in the fourth quarter and thus eliminate the need for supplemental appropriations. In the case of programs which have been provided obligational authority beyond the current fiscal year, reserves have been maintained to ensure that funds will be available beyond FY 1974 as needed.

Report Required by Law.—This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments" and certain other information pertaining thereto. This report lists the budgetary reserves that were in effect as of April 20, 1974.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be

made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

Attachment D lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on February 4, 1974). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of April 20, 1974;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons; and

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described in Attachments B and C. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

1974 LABOR/HEW APPROPRIATIONS - FUNDS WITHHELD
FROM OBLIGATION AND EXPENDITURE

The 1974 appropriations act for the Departments of Labor, and Health, Education, and Welfare, and related agencies (P.L. 93-192) contains the provision that "not to exceed \$400 million, ... may be withheld from obligation and expenditure...." The appropriation language also specifies that no individual appropriation provision may be reduced by more than five percent. In addition, the conference report (H.R. 93-682) establishes dollar limitations for the reductions that may be made to specified programs. ©

The following table shows the effect of the amounts withheld from programs receiving appropriations under this act. A comparison is drawn between amounts authorized to be withheld in the conference report and actual amounts withheld, as reflected in the 1975 Budget Appendix:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Health

(In thousands of dollars)

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>Health Services and</u>			
<u>Mental Health Ad-</u>			
<u>ministration:</u>			
Mental health.....	26,874	9,567	-17,307
Health services planning and de- velopment 1/.....	17,509]		
Health services de- livery 1/.....	2,800]	25,937	-16,649
Health manpower 1/..	22,277]		
Preventive health services.....	4,936	0	-4,936
Subtotal.....	(74,396)	(35,504)	(-38,892)
<u>National Institutes of</u>			
<u>Health:</u>			
National Cancer In- stitute.....	27,560	23,706	-3,854

1/ The 1974 activities of these programs are divided between Health Services Administration and Health Resources in the 1975 Budget Appendix.

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>National Institutes of Health--Cont'd:</u>			
National Heart and Lung Institute.....	15,145	13,365	-1,780
National Institute of Dental Research.....	2,278	1,607	-671
National Institute of Arthritis, Metabolism and Digestive Diseases.....	7,972	6,486	-1,486
National Institute of Neurological Diseases and Stroke.....	6,250	5,042	-1,208
National Institute of Allergy and Infectious Diseases.....	5,700	3,596	-2,104
National Institute of General Medical Sciences.....	8,838	8,449	-389
National Institute of Child Health and Human Development.....	6,512	5,357	-1,155
National Eye Institute.....	2,081	1,684	-397
National Institute of Environmental Health Sciences.....	1,443	482	-961
Research resources.....	6,672	5,153	-1,519
John E. Fogarty International Center.....	237	0	-237
National Library of Medicine.....	877	0	-877
Subtotal.....	(91,564)	(74,927)	(416,637)
Total, Health:.....	<u>165,960</u>	<u>110,431</u>	<u>-55,528</u>

Education

<u>Office of Education:</u>			
Elementary and secondary education....	96,725	94,979	-1,746
School assistance in Federally affected areas.....	16,584	16,584	0

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>Office of Education--</u>			
<u>Cont'd:</u>			
Education for the handicapped.....	5,325	5,325	0
Occupational, voca- tional, and adult education.....	26,354	26,354	0
Higher education.....	29,167	29,167	0
Library resources.....	8,585	3,688	-4,897
Educational develop- ment.....	4,487	4,487	0
Salaries and expenses..	93	93	0
	<u>187,320</u>	<u>180,677</u>	<u>-6,643</u>

WelfareSocial and Rehabilitation
Service:

Grants to States for public assistance.....	2,500	2,500	0
Social and rehabili- tation services.....	<u>7,775</u>	<u>7,775</u>	<u>0</u>
Subtotal.....	(10,275)	(10,275)	(0)

Office of Child Develop-
ment:

Child development.....	<u>15,500</u>	<u>9,020</u>	<u>-6,480</u>
Subtotal.....	(15,500)	(9,020)	(-6,480)
Total, Welfare.....	<u>25,775</u>	<u>19,295</u>	<u>-6,480</u>

RELATED AGENCIES

Corporation for Public Broadcasting.....	2,500	2,250 ^{2/}	-250
Office of Economic Oppor- tunity.....	<u>17,315</u>	<u>9,800^{3/}</u>	<u>-7,515</u>
Total, Related Agencies.....	<u>18,815</u>	<u>12,050</u>	<u>-7,765</u>
Total, HEW and Re- lated Agencies	398,870	322,453	-76,416

2/ This withholding does not appear in the 1975 Budget Appendix.

3/ In the 1975 Budget Appendix, this figure is shown as an unobligated balance lapsing.

Attachment B

REASON FOR CURRENT RESERVECode

- 1 "To provide for contingencies" (31 USC 665(c)(2)).
- 2 "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).
- 3 To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.
- 4 "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.
- 5 Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) to apportion the funds properly and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.
- 6 The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3):
- 6a -- Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

- 6b -- Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current and ensuing fiscal years to cover the total of all outlays in these years contemplated by the individual acts of Congress.
- 6c -- Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.
- 6d -- Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.
- 6e -- Other. See footnote for each item so coded.
- 7 The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).
- 8 The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).
9. Other. See footnote for each item so coded.
- 10 Not applicable or no reason required. (In most cases where a previous reserve has been apportioned in its entirety.)

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

- I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.
- II. The reserve action will bring the budgetary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.
- III. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.
- IV. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.
- V. Other. See footnote for each item so coded.
- VI. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES

1974 Program
(Dollars in millions) 1/

Amounts as of:

Agency	Sept. 30, 1973	Feb. 4, 1974	Apr. 20, 1974
Executive Office of the President.....	--	1	1
Funds Appropriated to the President.....	96	2,507	2,398 <u>2/</u>
Department of Agriculture.....	1,173	1,091	1,080
Department of Commerce.....	63	59	53
Department of Defense--Military.....	1,143	2,514	1,686
Department of Defense--Civil.....	1	4	5
Department of Health, Education, and Welfare.....	23	381	379
Department of Housing and Urban Development.....	456	823	467
Department of the Interior.....	162	219	202
Department of Justice.....	14	14	14
Department of Labor.....	--	21	21
Department of State.....	--	86	50
Department of Transportation.....	3,838	3,817	3,761
Department of Treasury.....	22	23	23
Atomic Energy Commission.....	27	--	--
Environmental Protection Agency.....	--	95	88
General Services Administration.....	258	38	38
National Aeronautics and Space Administration.....	2	2	--
Veterans Administration.....	43	--	--
Other Independent Agencies:			
National Science Foundation.....	4	--	--
Small Business Administration.....	31	31	31
All other.....	90	89	89
Total.....	7,446	11,813	10,384

1/ Details may not add due to rounding.

2/ Of this amount, \$2,183 million was released on April 25, 1974.

SUMMARY OF BUDGETARY RESERVES

1975 Program
(Dollars in millions)

Amounts as of:

<u>Agency</u>	<u>Sept. 30,</u> <u>1973</u>	<u>Feb. 4,</u> <u>1974</u>	<u>Apr. 20,</u> <u>1974</u>
Department of Agriculture.....	---	140	140
Department of the Interior.....	75	190	190
Department of Transportation.....	---	<u>5,994</u>	<u>5,995</u>
Total.....	75	<u>6,324</u>	<u>6,325</u>

NOTICES

AS of
April 20, 1974

BUDGETARY RESERVES
(Dollars in thousands)

GENERAL NOTES

Amounts in parenthesis () indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for FY 1974.

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1974?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for current reserve (see code)</u>	<u>Estimated fiscal, economic, & budgetary effect (see code)</u>
(209,000)	(225,000)	Yes	6/29/73	7/01/73		I
(320,395)	(40,000)	Yes	9/12/73	9/12/73		I
325,747	40,000	Yes	10/23/73	10/23/73		I
<u>Agency for International Development: Prototype Desalting Plant</u>						
(---)	(20,000)	Yes	4/07/72	7/01/73		I
---	20,000	Yes	1/29/74	1/29/74		I
<u>Foreign Military Credit Sales</u>						
(78,940)	(246,060)	NO	1/23/74	1/23/74		I
(128,940)	(196,060)	NO	2/25/74	2/25/74		I
(150,190)	(174,810)	NO	3/18/74	3/18/74		I
169,890	155,110	NO	3/25/74	3/25/74		I

Executive Office of the President/Funds Appropriated to the President
Appalachian Regional Commission: Appalachian Regional Development Programs

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Emergency Security Assistance for Israel

(---	(2,200,000)	2/	No	2/01/74	2/01/74	5	I
17,336	2,182,664	2a/	No	2/28/74	2/28/74	5	I

Council on Environmental Quality and Office of Environmental Quality

(1,930)	(536)		No	11/07/73	11/07/73	5	I
1,980	486		No	3/12/74	3/12/74	5	I

Special Action Office for Drug Abuse Prevention: Salaries and Expenses

(3,800)	(1,200)		No	12/26/73	12/26/73	5	I
5,000	---		NA	1/11/74	1/11/74	10	VI

Pharmacological Research

(400)	(19,600)		No	12/26/73	12/26/73	5	I
20,000	---		NA	1/11/74	1/11/74	10	VI

Special Fund

(1,300)	(24,700)		No	12/26/73	12/26/73	5	I
26,000	---		NA	1/11/74	1/11/74	10	VI

National Security Council

2,502	300		No	11/16/73	11/16/73	5	I
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Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

The Inter-American Foundation: Inter-American Foundation

(5,000)	(35,652)	Yes	6/12/73	7/01/73	4	V 3/
(5,000)	(35,735)	Yes	12/04/73	12/04/73	4	I
10,000	---	NA	1/28/74	1/28/74	10	VI 4/

Department of Agriculture Agriculture Research Service: Construction

---	1,520	Yes	6/29/73	7/01/73	4,6b	I
-----	-------	-----	---------	---------	------	---

Animal and Plant Health Inspection Service: Animal and Plant Health Inspection Service

(317,083)	(878)	NO	11/23/73	11/23/73	1	I
317,583	378	NO	2/08/74	2/08/74	1	I

Animal Quarantine Station

130	64	Yes	11/23/73	11/23/73	5	I
-----	----	-----	----------	----------	---	---

Extension Service: Extension Service

201,429	3,200	NO	11/23/73	11/23/73	2	I
---------	-------	----	----------	----------	---	---

Foreign Agricultural Service: Salaries and Expenses, Special Foreign Currency Program

1,000	1,240	Yes	5/23/73	7/01/73	4	I
-------	-------	-----	---------	---------	---	---

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Agricultural Stabilization and Conservation Service: Salaries and Expenses

(256,626) (2,619) 11/23/73 11/23/73 I
 256,443 2,802 1/21/74 1/21/74 I

Rural Environmental Assistance Program/1973-74

(---) (210,500) 1/26/73 7/01/73 I
 210,500 6/ --- 4/01/74 4/01/74 VI

Rural Environmental Assistance Program/1974-75

90,000 85,000 Yes 11/23/73 11/23/73 I

Emergency Conservation Measures

20,453 10,000 Yes 11/23/73 11/23/73 I

Water Bank Act Program

(---) (11,391) 1/26/73 7/01/73 I
 10,006 11,645 11/23/73 11/23/73 I

Cropland Adjustment Program

50,300 1,600 No 11/23/73 11/23/73 I

Commodity Credit Corporation: Administrative Expenses

(---) (497) 11/23/73 11/23/73 I
 39,631 7/ 269 12/21/73 12/21/73 III

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Rural Electrification Administration: Loans

(---	(456,103)	Yes	1/26/73	7/01/73	2,6b,6c	I
594	455,635	Yes	2/21/74	2/21/74	2,6b,6c	V 8/

Farmers Home Administration: Rural Water and Waste Disposal Grants

(---	(120,000)	Yes	1/26/73	7/01/73	6b,6c	I
(---	(150,304)	Yes	11/23/73	11/23/73	6b,6c	I
30,000	120,304	Yes	12/28/73	12/28/73	6b,6c	I

Rural Housing for Domestic Farm Labor Grants

(---	(1,621)	Yes	1/31/73	7/01/73	5,6b	I
(750)	(1,831)	Yes	9/10/73	9/10/73	5,6b	V 9/
(1,000)	(9,081)	Yes	11/23/73	11/23/73	5,6b	I
10,081	---	NA	2/14/74	2/14/74	10	VI

Mutual and Self-Help Housing Grants

(---	(832)	Yes	9/22/72	7/01/73	4	I
(700)	(133)	Yes	8/22/73	8/22/73	4	I
3,832	1,001	Yes	11/23/73	11/23/73	4	I

Rural Housing Insurance Fund

(---	(133,000)	Yes	1/26/73	7/01/73	4	I
1,435,035 10/	---	NA	9/12/73	9/12/73	10	VI

Soil Conservation Service: Resource Conservation and Development

24,189	4,439	Yes	11/23/73	11/23/73	4	I
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Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Watershed Planning

13,268 535 Yes 11/23/73 11/23/73 4 I

River Basin Surveys and Investigations

16,587 60 Yes 11/23/73 11/23/73 4 I

Watershed and Flood Prevention Operations

169,448 17,454 Yes 11/23/73 11/23/73 4 I

Agricultural Marketing Service: Marketing Services, no-year

(1,422) (818) Yes 6/11/73 7/01/73 4 I
 (1,812) (818) Yes 9/26/73 9/26/73 4 I
 1,812 1,101 Yes 1/22/74 1/22/74 4 I

Perishable Agricultural Commodities Act Fund

(1,416) (58) Yes 6/11/73 7/01/73 4 I
 1,460 270 Yes 12/26/73 12/26/73 4 I

Forest Service: Forest Protection and Utilization

(3,791) (2,128) Yes 11/02/73 11/02/73 4 I
 3,846 2,073 Yes 1/02/74 1/02/74 4 I

Construction and Land Acquisition

(52,196) (1,315) Yes 11/02/73 11/02/73 5 I
 53,511 --- NA 4/15/74 4/15/74 10 VI

Estimated fis-
cal, economic, &
budgetary effect
(see code)

Reason
for current
reserve
(see code)

Effective
date of
reserve

Date of
reserve
action

Available
beyond
FY 1974?

Amount in
reserve

Amount
apportioned

Youth Conservation Corps

(6,693) (3,307) 11/09/73 11/09/73 4 I
6,893 3,107 11/ 1/11/74 1/11/74 4 I

Forest Roads and Trails and Roads and Trails for States/1974 Program

(---) (278,398) 3/28/73 7/01/73 4,6b,6d I
(117,164) (208,934) 7/16/73 7/16/73 4,6d 13/ I
(123,558) (342,894) 11/02/73 11/02/73 4,6d I
131,815 334,636 1/23/74 1/23/74 4,6d I

Forest Roads and Trails and Roads and Trails for States/1975 Program

--- 140,000 11/02/73 11/02/73 6d I

Brush Disposal

(18,657) (26,601) 6/08/73 7/01/73 5 I
25,000 21,554 11/02/73 11/02/73 4 V 14/

Forest Fire Prevention

275 109 6/08/73 7/01/73 4 I

Department of Commerce
General Administration: Special Foreign Currency Program

1,885 1,055 12/21/73 12/21/73 2 II

Estimated fis-
cal, economic, &
budgetary effect
(see code)

Reason
for current
reserve
(see code)

Effective
date of
reserve

Date of
reserve
action

Available
beyond
FY 1974?

Amount in
reserve

Amount
apportioned

Office of Assistant Secretary for Science and Technology: Scientific and Technical Research and Services

(131,485)	(11,934)	12/27/73	12/27/73	5	I
136,823	6,796	2/15/74	2/15/74	5	I

Social and Economic Statistics Administration: 1974 Census of Agriculture

(---)	(1,360)	11/24/72	7/01/73	2,4	I
1,360	---	9/12/73	9/12/73	10	VI

Domestic and International Business: Financial and Technical Assistance, Trade Adjustment Assistance

15,000	11,780	12/21/73	12/21/73	2	I
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International Activities, Inter-American Cultural and Trade Center

(292)	(5,067)	6/26/73	7/01/73	4,5	I
322	5,051	4/16/74	4/16/74	4,5	I

Participation in United States Expositions (Spokane Ecological Exhibition)

(7,575)	(1,105) 15/	10/05/73	10/05/73	4,5	I
8,677	---	4/10/74	4/10/74	10	VI

Office of Minority Business: Minority Business Development, no-year

(---)	(16,768)	1/26/73	7/01/73	4,6b	I
(9,080)	(14,330)	7/24/73	7/24/73	5	I
26,752	---	10/16/73	10/16/73	10	VI

Estimated fis-
cal, economic, &
budgetary effect
(see code)

Reason
for current
reserve
(see code)

Effective
date of
reserve

Date of
reserve
action

Available
beyond
FY 1974?

Amount
apportioned
reserve

National Oceanic and Atmospheric Administration: Operations, Research and Facilities 16/

(---)	(31,005)	Yes	6/28/73	7/01/73	2,4,6b	I
(29,868)	(2,392)	Yes	7/19/73	7/19/73	2,4,6b	I
(30,082)	(2,178)	Yes	9/26/73	9/26/73	2,4	I
(406,694)	(2,178)	Yes	12/27/73	12/27/73	3	I
416,981	2,178	Yes	1/16/74	1/16/74	3 17/	I

Satellite Operations 18/

(---)	(727)	Yes	6/28/73	7/01/73	5	I
727	---	NA	12/27/73	12/27/73	10	VI

Promote and Develop Fishery Products and Research Pertaining to American Fisheries

(7,191)	(3,159)	Yes	3/29/73	7/01/73	4,5,6a	I
(7,336)	(3,111)	Yes	7/26/73	7/26/73	4,5,6a	I
7,450	3,027	Yes	12/21/73	12/21/73	4,5,6a	I

Coastal Zone Management

5,200	6,800	Yes	12/21/73	12/21/73	4	I
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National Bureau of Standards: Plant and Facilities

---	1,850	Yes	11/24/72	7/01/73	2,4,6b	I
-----	-------	-----	----------	---------	--------	---

Research and Technical Services, no-year

---	3,812	Yes	5/07/73	7/01/73	5,6b	I
-----	-------	-----	---------	---------	------	---

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount appropriated

Construction of Facilities

(---) 539 (740) 231 Yes Yes 1/26/73 12/21/73 7/01/73 12/21/73 I I 4,6b 1

Maritime Administration: Ship construction

(---) 304,953 (34,000) (24,863) 5,500 Yes Yes Yes 6/29/73 7/27/73 12/21/73 7/01/73 7/27/73 12/21/73 III IV II 4 4 2

Research and Development

--- 5,000 Yes 1/18/73 7/01/73 I 4,6b

State Marine Schools

--- 127 Yes 11/24/72 7/01/73 I 4

Federal Ship Financing Fund

(2,582) 4,028 (1,446) --- Yes NA 6/27/73 10/11/73 7/01/73 10/11/73 I VI 5 10

Department of Defense-Military

Procurement: Missile Procurement, Army, 1973-1975

(---) 163,382 (2,500) --- Yes NA 2/05/73 9/11/73 7/01/73 9/11/73 I VI 4 10

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Procurement of Aircraft and Missiles, Navy, 1973-1975

(---)	(13,281)	Yes	6/29/73	7/01/73	5	I
(946,747)	(13,281)	Yes	9/06/73	9/06/73	5	I
878,276	---	NA	1/28/74	1/28/74	10	VI

Aircraft Procurement, Air Force, 1972-1974

(415,551)	(143,492)	NO	9/07/73	9/07/73	5	I
368,478	---	NA	11/01/73	11/01/73	10	VI

Aircraft Procurement, Air Force, 1973-1975

(1,076,916)	(160,556)	Yes	9/07/73	9/07/73	5	I
1,224,500	---	NA	11/01/73	11/01/73	10	VI

Shipbuilding and Conversion, Navy, 1971-1975

(---)	(145,672)	Yes	11/24/72	7/01/73	4	I
892,655	---	NA	9/11/73	9/11/73	10	VI

Shipbuilding and Conversion, Navy, 1972-1976

(---)	(427,212)	Yes	11/24/72	7/01/73	4	I
738,000	148,081	Yes	9/11/73	9/11/73	4	I

Shipbuilding and Conversion, Navy, 1973-1977

(---)	(763,300)	Yes	6/29/73	7/01/73	4	I
992,000	408,512	Yes	9/11/73	9/11/73	4	I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount apporportioned

Shipbuilding and Conversion, Navy, 1974-1978

2,711,300 826,800 Yes 1/28/74 1/28/74 4 I

Military Construction: Military Construction, Army

(---) (70,304) Yes 6/27/73 7/01/73 5 I
 (648,440) (90,954) Yes 8/16/73 8/16/73 5 I
 (648,020) (95,488) Yes 12/27/73 12/27/73 5 I
 (762,670) (558,958) Yes 1/18/74 1/18/74 5 I
 (1,184,957) (138,956) Yes 1/24/74 1/24/74 5 I
 1,203,724 124,579 Yes 3/22/74 3/22/74 5 I

Military Construction, Navy

(---) (68,133) Yes 6/27/73 7/01/73 5 I
 (385,805) (65,858) Yes 8/14/73 8/14/73 5 I
 (334,948) (64,674) Yes 10/11/73 10/11/73 5 I
 (336,468) (64,754) Yes 10/16/73 10/16/73 5 I
 (336,848) (64,774) Yes 11/14/73 11/14/73 5 I
 (338,174) (64,439) Yes 12/17/73 12/17/73 5 I
 (412,974) (598,931) Yes 1/09/74 1/09/74 5 I
 (650,758) (363,047) Yes 2/15/74 2/15/74 5 I
 939,681 74,124 Yes 3/07/74 3/07/74 5 I

Estimated fis-
cal, economic, &
budgetary effect
(see code)

Reason
for current
reserve
(see code)

Effective
date of
reserve

Date of
reserve
action

Available
beyond
FY 1974?

Amount in
reserve

Amount
apportioned

Military Construction, Air Force

(---	(51,607)	Yes	6/27/73	7/01/73	5	I
(130,860)	(49,773)	Yes	7/20/73	7/20/73	5	I
(141,224)	(39,409)	Yes	8/14/73	8/14/73	5	I
(160,501)	(39,409)	Yes	10/16/73	10/16/73	5	I
(171,972)	(29,937)	Yes	1/07/74	1/07/74	5	I
(218,426)	(232,760)	Yes	1/17/74	1/17/74	5	I
(402,711)	(48,475)	Yes	2/13/74	2/13/74	5	I
431,445	19,741	Yes	3/19/74	3/19/74	5	I

Military Construction, Defense Agencies

(---	(58,415)	Yes	2/15/73	7/01/73	5	I
(8,000)	(58,215)	Yes	8/23/73	8/23/73	5	I
(8,957)	(56,615)	Yes	10/16/73	10/16/73	5	I
(10,277)	(54,895)	Yes	11/14/73	11/14/73	5	I
(10,277)	(53,904)	Yes	12/17/73	12/17/73	5	I
(15,133)	(49,048)	Yes	1/09/74	1/09/74	5	I
(15,133)	(46,763)	Yes	1/24/74	1/24/74	5	I
31,683	28,313	Yes	2/15/74	2/15/74	5	I

Military Construction, Army National Guard

(---	(102)	Yes	6/14/73	7/01/73	5	I
(3,051)	(---	NA	8/16/73	8/16/73	10	VI
(8,943)	(29,300)	Yes	1/18/74	1/18/74	5	I
29,903	8,340	Yes	3/07/74	3/07/74	5	I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Military Construction, Air National Guard

(---)	(17)	Yes	5/29/73	7/01/73	5	I
(5,256)	(17)	Yes	9/06/73	9/06/73	5	I
(5,273)	(---)	Yes	10/23/73	10/23/73	10	VI
(9,273)	(16,000)	Yes	1/18/74	1/18/74	5	I
17,514	7,759	Yes	2/11/74	2/11/74	5	I

Military Construction, Army Reserve

(---)	(7,109)	Yes	3/08/73	7/01/73	5	I
(25,423)	(7,109)	Yes	9/10/73	9/10/73	5	I
(29,909)	(2,623)	Yes	11/08/73	11/08/73	5	I
(34,709)	(38,523)	Yes	1/18/74	1/18/74	5	I
57,320	15,912	Yes	3/18/74	3/18/74	5	I

Military Construction, Naval Reserve

(---)	(3,943)	Yes	5/03/73	7/01/73	5	I
(17,640)	(1,842)	Yes	8/08/73	8/08/73	5	I
(18,657)	(915)	Yes	11/08/73	11/08/73	5	I
(20,099)	(22,373)	Yes	1/14/74	1/14/74	5	I
24,469	18,003	Yes	3/14/74	3/14/74	5	I

Military Construction, Air Force Reserve

(---)	(850)	Yes	6/20/73	7/01/73	5	I
(2,415)	(850)	Yes	9/06/73	9/06/73	5	I
(2,444)	(821)	Yes	10/23/73	10/23/73	5	I
(3,444)	(9,821)	Yes	1/18/74	1/18/74	5	I
(10,089)	(3,176)	Yes	2/01/74	2/01/74	5	I
10,858	2,407	Yes	3/29/74	3/29/74	5	I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Defense Civil Preparedness Agency: Research, Shelter Survey and Marketing

24,617 1,100 Yes 11/27/73 11/27/73 5 I

Special Foreign Currency Program: Special Foreign Currency Program, Defense, 1972-1974

(---) (2,477) No 12/18/72 7/01/73 5 I
 3,169 2,051 No 8/31/73 8/31/73 5 I

Special Foreign Currency Program, Defense, 1973-1975

(---) (400) Yes 12/04/72 7/01/73 5 I
 2,998 400 Yes 9/06/73 9/06/73 5 I

Department of Defense-Civil

Corps of Engineers: General Investigations

(---) (150) Yes 6/29/73 7/01/73 5 I
 (65,084) (150) Yes 9/15/73 9/15/73 5 II
 65,267 --- NA 2/27/74 2/27/74 10 VI

Construction

(---) (783) Yes 6/29/73 7/01/73 5 I
 (9,100) (333) Yes 7/27/73 7/27/73 5 I
 (9,175) (258) Yes 7/30/73 7/30/73 5 I
 (1,114,829) (256) Yes 9/15/73 9/15/73 5 II
 1,114,937 108 Yes 4/04/74 4/04/74 5 I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Flood Control, Mississippi River and Tributaries

(---	(750)	Yes	6/29/73	7/01/73	5	I
(151,819)	(750)	Yes	9/15/73	9/15/73	5	II
(166,419)	(750)	Yes	1/26/74	1/26/74	5	I
167,169	---	NA	4/04/74	4/04/74	10	VI

Soldiers' and Airmens' Home: Capital Outlay

2,165	612	Yes	1/04/74	1/04/74	5	I
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Panama Canal: Canal Zone Government, Capital Outlay

(---	(700)	Yes	9/08/72	7/01/73	5	I
7,436	85	Yes	9/14/73	9/14/73	1	V 20/

Wildlife Conservation: Wildlife Conservation, Army

(598)	(107)	Yes	6/14/73	7/01/73	1	I
606	342	Yes	1/31/74	1/31/74	1	I

Wildlife Conservation, Navy

(60)	(8)	Yes	6/14/73	7/01/73	1	I
(69)	(22)	Yes	10/03/73	10/03/73	1	I
69	37	Yes	2/14/74	2/14/74	1	I

Wildlife Conservation, Air Force

(124)	(40)	Yes	6/14/73	7/01/73	1	I
124	20	Yes	1/22/74	1/22/74	1	I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Salaries and Expenses: Cemeterial Expenses, Army

(14,448)	(2,053)	Yes	9/14/73	9/14/73	5	I
13,033	3,468	Yes	2/14/74	2/14/74	5	I

Department of Health, Education, and Welfare
Health Services Administration: Health Services Delivery

(915,869)	(2,250)	Yes	2/04/74	2/04/74	5	I
922,869	2,250	Yes	3/14/74	3/14/74	5	I

Buildings and Facilities*

19,804	7,000	Yes	3/13/74	3/13/74	5	I
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Indian Health Services

(94,372)	(91,626)	NO	11/28/73	11/28/73	5	I
185,998	---	NA	2/04/74	2/04/74	10	VI

Indian Health Facilities

(3,482)	(848)	Yes	6/27/73	7/01/73	5	I
(34,815)	(20,593)	Yes	11/28/73	11/28/73	5	I
55,320	88	Yes	1/30/74	1/30/74	5	I

National Institutes of Health: Research Resources

126,941	1,378	NO	1/18/74	1/18/74	3	I
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Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Buildings and facilities

(1,000)	(23,701)	Yes	1/18/74	1/18/74	5	I
10,680	14,021	Yes	2/27/74	2/27/74	5	I

Alcohol, Drug Abuse, and Mental Health Administration: Mental Health

827,193	13,194	NO	1/28/74	1/28/74	1	I
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Health Resources Administration: Health Services Planning and Development

(555,997)	(6,228)	NO	2/04/74	2/04/74	3	I
585,497	6,228	NO	4/03/74	4/03/74	3	I

Health Manpower

(734,635)	(5,370)	NO	2/04/74	2/04/74	3	I
768,910	5,370	Yes	4/03/74	4/03/74	3	I

Assistant Secretary for Health: Office of International Health; Scientific Activities Overseas (Special Foreign Currency Program)

(13,505)	(21,714)	Yes	1/30/74	1/30/74	4	I
16,034	21,714	Yes	3/28/74	3/28/74	4	I

Office of Education: Elementary and Secondary Education

2,025,168	1,746	NO	1/17/74	1/17/74	1	I
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Higher Education, 1974-1976

238,000	237,000	Yes	1/17/74	1/17/74	4	I
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Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Higher Education, no-year

(---) (1,889) I
 346,118 8,788 I

Library Resources

163,124 4,897 I

Educational Development

15,675 32 I

Educational Activities Overseas, Special foreign currency program

(---) (16) I
 2,539 --- VI

Social and Rehabilitation Service: Research and Training Overseas

3,700 7,490 I

Social Security Administration: Limitation on Salaries and Expenses (Trust fund)

1,879,000 13,580 I

Limitation on Construction (Trust fund)

(---) (12,095) I
 (12,679) (19,973) I
 (15,614) (17,425) I
 17,646 15,393 I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Special Institutions: Howard University

9,132 11,490 Yes 1/17/74 1/17/74 4 I

Model Secondary School for the Deaf*

3,500 --- 803 Yes 3/05/74 3/05/74 ---4 I

Office of Human Development: Child Development

419,910 6,480 No 1/18/74 1/18/74 3 I

Department of Housing and Urban Development

Housing Production and Mortgage Credit: Non-profit Sponsor Assistance

--- 6,530 Yes 4/15/73 7/01/73 5,6b,6c I

Community Development: Model Cities Program

(50,055) (100,012) Yes 11/26/73 11/26/73 6C V 21/
 (75,055) (75,012) Yes 11/30/73 11/30/73 6C IV
 150,067 --- NA 4/15/74 4/15/74 10 VI

Grants for Neighborhood Facilities

--- 48 Yes 11/27/73 11/27/73 6C I

Open Space Land Program

(---) (27,730) Yes 3/08/73 7/01/73 6b,6c I
 --- 55,161 Yes 11/09/73 11/09/73 6C I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Grants for Basic Water and Sewer Facilities

(---	(400,175)	Yes	1/26/73	7/01/73	I
---	401,734	Yes	11/27/73	11/27/73	I
Urban Renewal Fund					
(613,500)	(311,314)	Yes	11/26/73	11/26/73	V 21/
(643,500)	(281,314)	Yes	11/30/73	11/30/73	IV
1,526,314	---	NA	4/15/74	4/15/74	VI

Public Facility Loans

(---	(20,000)	Yes	1/26/73	7/01/73	I
24,888	---	NA	6/20/73	7/01/73	VI

Community Planning and Management; New Community Assistance Grants

---	1,799	Yes	11/16/73	11/16/73	I
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Office of Interstate Land Sales Registration; Interstate Land Sales

(1,460)	(1,981)	Yes	6/20/73	7/01/73	I
(1,849)	(1,379)	Yes	12/12/73	12/12/73	III
1,852	1,376	Yes	2/20/74	2/20/74	I

Department of the Interior
Office of Territorial Affairs; Trust Territory of the Pacific Islands

(71,550)	(800) 23/	Yes	2/02/74	2/02/74	I
72,350	---	NA	2/22/74	2/22/74	VI

Estimated fis-
cal, economic, &
budgetary effect
(see code)

Reason
for current
reserve
(see code)

Effective
date of
reserve

Date of
reserve
action

Available
beyond
FY 1974?

Amount in
reserve

Amount
apportioned

Bureau of Land Management: Public Lands Development Roads and Trails/1974 Program

(4,000)	(8,961)	Yes	6/08/73	7/01/73	I
5,205	18,961	Yes	10/03/73	10/03/73	I

Public Lands Development Roads and Trails/1975 Program

---	10,000	Yes	10/03/73	10/03/73	I
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Oregon and California Grant Lands

(---)	(1,150)	Yes	6/08/73	7/01/73	I
28,750	5,243	Yes	10/02/73	10/02/73	II

Bureau of Indian Affairs: Road Construction/1974 Program

57,060	20,000	Yes	9/12/73	9/12/73	II
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Road Construction/1975 Program

---	75,000	Yes	9/12/73	9/12/73	II
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Bureau of Outdoor Recreation: Land and Water Conservation

(208,168)	(61,422)	24/	6/08/73	7/01/73	I
(297,223)	(57,568)	24/	11/03/73	11/03/73	II
(324,763)	(30,000)	24/	2/02/74	2/02/74	II
305,463	(30,000)	24/	4/19/74	4/19/74	I

Geological Survey: Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920

(--- 25/)	(27)	Yes	5/06/73	7/01/73	I
---	26	Yes	11/19/73	11/19/73	I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Bureau of Mines: Drainage of Anthracite Mines

200 3,575 Yes 6/08/73 7/01/73 4,5 I

Bureau of Sport Fisheries and Wildlife: Migratory Bird Conservation Account (Receipt Limitation)

(9,000) (981) Yes 6/08/73 7/01/73 4 I
 (12,000) (981) Yes 8/23/73 8/23/73 4 I
 21,771 --- NA 11/02/73 11/02/73 10 VI

Federal Aid in Wildlife Restoration

45,300 7,863 Yes 6/08/73 7/01/73 4,5 I

Federal Aid in Fish Restoration and Management

14,565 2,339 Yes 6/08/73 7/01/73 4,5 I

National Wildlife Refuge Fund

4,620 4,003 Yes 6/08/73 7/01/73 4,5 I

Proceeds from Sales, Water Resources Development Projects

15 4 Yes 6/08/73 7/01/73 4,5 I

National Park Service: Parkway and Road Construction/1974 Program

(16,338) (34,610) Yes 6/08/73 7/01/73 4,6d 27/
 (16,338) (229,610) Yes 10/01/73 10/01/73 4,6d II
 51,183 108,115 Yes 11/02/73 11/02/73 4,6d II

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount apportioned reserve

Parkway and Road Construction/1975 Program

--- 105,000 Yes 11/02/73 11/02/73 4,6d II

Planning and Construction

(28,100) (14,500) 7/30/73 7/30/73 4 I
 (79,675) (14,500) 11/02/73 11/02/73 4,5 I
 (79,675) (14,500) 1/29/74 1/29/74 4,5 I
 94,175 --- 3/11/74 3/11/74 10 VI

Operation, Management, Maintenance, and Demolition of Federally Acquired Property

(17) (65) Yes 6/08/73 7/01/73 4,5 I
 15 --- NA 11/02/73 11/02/73 10 VI

Bureau of Reclamation: Construction and Rehabilitation

(16,970) (1,055) Yes 6/08/73 7/01/73 5 I
 228,857 1,055 Yes 9/15/73 9/15/73 5 28/ I

Operation, Maintenance, and Replacement of Project Works, North Platte Project

--- 29/ 100 Yes 6/06/73 7/01/73 6e 30/ I

Upper Colorado River Basin Fund

(9,072) (1,390) Yes 6/08/73 7/01/73 5 I
 64,911 1,164 Yes 9/15/73 9/15/73 5 I

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Department of Justice
Bureau of Prisons: Buildings and Facilities

(---	(36,441)	Yes	1/26/73	7/01/73	5,6b	I
45,823	13,594	Yes	9/19/73	9/19/73	5,6b	I

Department of Labor
Employment Standards Administration: Special benefits

284,300	20,706	NO	1/17/74	1/17/74	1	V 31/
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Department of State
Acquisition, Operation, and Maintenance of Buildings Abroad

62,484	44,521	Yes	12/31/73	12/31/73	4	I
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Assistance to Refugees from the Soviet Union

(---	(36,500)	NO	2/02/74	2/02/74	5	I
36,500	---	NA	3/15/74	3/15/74	10	VI

International Boundary and Water Commission, United States and Mexico:
Construction

15,681	4,983	Yes	12/18/73	12/18/73	5	I
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Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Department of Transportation
Office of the Secretary: Transportation, Planning, and Research and Development

(---	(5,300)	Yes	6/30/73	7/01/73	4,6b	I
34,353	--	NA	9/14/73	9/14/73	10	VI

U.S. Coast Guard: Acquisition, Construction, and Improvements

(30,946)	(10,609)	Yes	7/12/73	7/12/73	4,6b	I
(109,168)	(12,099)	Yes	9/14/73	9/14/73	4,6b	II
102,889	19,396	Yes	12/27/73	12/27/73	4,6b	II

Federal Aviation Administration: Civil Supersonic Aircraft Development Termination

(---	(3,575)	Yes	1/23/73	7/01/73	4,6b	I
3,600	3,033	Yes	9/10/73	9/10/73	4	I

Civil Supersonic Aircraft Development

(---	(2,153)	Yes	1/18/73	7/01/73	4,6b	I
800	2,755	Yes	9/10/73	9/10/73	4	I

Grants-in-aid for Airports (Airport and Airway Trust Fund)

13,000	2,000	Yes	9/14/73	9/14/73	5	I
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Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Facilities and Equipment (Airport and Airway Trust Fund)

(---) (207,631) 1/18/73 7/01/73 I
 293,075 261,919 9/12/73 9/12/73 I

Research, Engineering, and Development (Airport and Airway Trust Fund)

(---) (10,000) 1/18/73 7/01/73 I
 --- --- 9/14/73 9/14/73 VI

Federal Highway Administration: Highway Beautification

(41,977) (11,521) 6/29/73 7/01/73 I
 50,000 --- 9/15/73 9/15/73 VI

Darien Gap Highway

(---) (545) 1/18/73 7/01/73 I
 17,661 --- 9/14/73 9/14/73 VI

Highway-Related Safety Grants

(10,459) (7,897) 6/29/73 7/03/73 I
 13,229 --- 9/15/73 9/15/73 VI

Federal-Aid Highways/1974 Program

(1,617,000) (2,791,841) 6/29/73 7/02/73 I
 (4,742,497) (3,414,149) 9/14/73 9/14/73 I
 (4,741,018) (3,414,619) 2/01/74 2/01/74 I
 4,791,047 3,364,59C 4/03/74 4/03/74 IV

<u>Amount apportioned</u>	<u>Amount in reserve</u>	<u>Available beyond FY 1974?</u>	<u>Date of reserve action</u>	<u>Effective date of reserve</u>	<u>Reason for current reserve (see code)</u>	<u>Estimated fiscal, economic, & budgetary effect (see code)</u>
Federal-Aid Highways/1975 Program						
(6,010,000)	5,958,500 <u>32/</u>	Yes	2/01/74	2/01/74	4,5	I I
Rail-Crossings-Demonstration Projects						
(22,322)	(3,053)	Yes	9/15/73	9/15/73	5	I
21,700	75	Yes	2/01/74	2/01/74	5	I
Territorial Highways/1974 Program						
(4,000)	(1,602)	Yes	6/29/73	7/01/73	4,6C	I
4,229	750	Yes	3/05/74	3/05/74	4,5	I
Territorial Highways/1975 Program*						
---	1,500	Yes	3/05/74	3/05/74	4,5	I
National Scenic Highways/1974 Program						
---	10,000	Yes	2/01/74	2/01/74	5	I
National Scenic Highways/1975 Program						
---	10,000	Yes	2/01/74	2/01/74	5	I
Trust Fund Share of Other Highway Programs/1974 Program						
(6,973)	(15,793)	Yes	6/29/73	7/03/73	4,5	I
(28,120)	(---)	NA	9/15/73	9/15/73	10	VI
27,993	10,000	Yes	2/01/74	2/01/74	5	I

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Trust Fund Share of Other Highway Programs/1975 Program

--- 25,000 Yes 2/01/74 2/01/74 5 I

Forest Highways Trust Fund

(24,000) (47,604) Yes 6/29/73 7/01/73 I
 26,000 --- NA 9/14/73 9/14/73 VI

Public Lands Highways

(5,000) (27,000) Yes 6/29/73 7/01/73 I
 (5,000) (5,000) Yes 9/14/73 9/14/73 I
 10,000 --- NA 3/05/74 3/05/74 IV

Right-of-Way Revolving Fund

(48,000) (74,782) Yes 6/29/73 7/02/73 I
 48,000 77,116 Yes 2/01/74 2/01/74 I

National Highway Traffic Safety Administration: State and Community Highway Safety

(26,993) (1,290) Yes 7/02/73 7/02/73 I
 66,771 --- NA 9/13/73 9/13/73 VI

Traffic and Highway Safety

(56,068) (2,000) Yes 33/ 9/14/73 9/14/73 I
 86,405 2,000 Yes 1/24/74 1/24/74 I

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Construction of Compliance Facilities

(---) 34/ (9,018) Yes 1/19/73 7/01/73 I
 --- 34/ 18 Yes 9/14/73 9/14/73 V

Trust Fund Share of Highway Traffic Safety Programs

(16,848) (2,580) Yes 7/02/73 7/02/73 I
 96,167 --- NA 9/13/73 9/13/73 VI

Federal Railroad Administration: Emergency Rail Facilities Restoration

27,100 7,648 Yes 35/ 7/27/73 7/27/73 I

High Speed Ground Transportation Research and Development

(---) (15,000) Yes 1/19/73 7/01/73 I
 --- --- NA 9/14/73 9/14/73 VI

Grants to the National Railroad Passenger Corporation

(---) (10,000) Yes 1/19/73 7/01/73 I
 (54,900) (48,100) Yes 9/13/73 9/13/73 V
 103,000 --- NA 11/23/73 11/23/73 VI

Urban Mass Transportation Administration: Urban Mass Transportation Fund

(941,300) (210,853) Yes 7/06/73 7/06/73 I
 985,550 --- NA 9/14/73 9/14/73 VI

Estimated fiscal, economic, & budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Department of the Treasury
Office of the Secretary: Construction, Federal Law Enforcement Training Center

383 21,517 Yes 6/06/73 7/01/73 5 I

Bureau of Accounts: Subsidy Payment to Environmental Protection Authority

75 1,188 37/ No 11/29/73 11/29/73 2 I

Atomic Energy Commission
Operating Expenses

(3,164,739) (16,900) 9/15/73 5 I
 (3,174,154) (7,500) 11/19/73 5 I
 3,181,086 --- 12/21/73 10 VI

Plant and Capital Equipment

(48,470) (1,830) 6/08/73 5 I
 (637,577) (9,750) 9/15/73 5 I
 (637,912) (9,400) 11/04/73 5 I
 (643,812) (3,500) 11/09/73 5 I
 (645,812) (1,500) 11/12/73 5 I
 677,312 --- 1/10/74 10 VI

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Environmental Protection Agency
Research and Development

(8,696)	(9,700)	Yes	10/19/73	10/19/73	5	IV
(183,612)	(3,700)	Yes	11/29/73	11/29/73	5	IV
(184,312)	(3,000)	Yes	1/29/74	1/29/74	5	IV
(184,381)	(3,000)	Yes	3/08/74	3/08/74	5	I
187,365	---	NA	4/10/74	4/10/74	10	VI

Abatement and Control

(17,804)	(3,850)	Yes	10/19/73	10/19/73	5	IV
(266,514)	(16,850)	Yes	11/29/73	11/29/73	5	IV
(287,574)	(91,850)	38/	1/29/74	1/29/74	5	I
(288,378)	(91,350)	38/	4/10/74	4/10/74	5	I
291,528	88,200	38/	4/19/74	4/19/74	5	I

General Services Administration

Real Property Activities: Sites and Expenses, Public Building Projects

(---)	(22,206)	Yes	1/26/73	7/01/73	4	I
22,000	15,500	Yes	11/29/73	11/29/73	4	I

Construction, Public Building Projects

(---)	(234,309)	Yes	1/26/73	7/01/73	2,4	I
73,653	20,803	Yes	11/29/73	11/29/73	4	I

Property Management and Disposal: Operating Expenses, Sale of Rare Silver Dollars

(---)	(4,000)	Yes	11/30/72	7/01/73	4	I
3,400	1,386	Yes	9/05/73	9/05/73	4	I

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Operating Expenses, Special Fund

(---	(850)	Yes	6/26/73	7/01/73	4,5	I
---	---	NA	8/16/73	8/16/73	10	VI

National Aeronautics and Space Administration
Research and Development

(---	(2,200)	Yes	6/08/73	7/01/73	5	I
(2,860,194)	(9,300)	Yes	11/16/73	11/16/73	5	I
(2,867,294)	(2,200)	Yes	1/23/74	1/23/74	5	I
2,869,494	---	NA	3/06/74	3/06/74	10	VI

Veterans Administration
Medical Prosthetic Research

(---	(3,648)	Yes	2/15/73	7/01/73	5	I
85,099	---	NA	11/23/73	11/23/73	10	VI

Construction, Major Projects

(---	(34,710)	Yes	6/13/73	7/01/73	5	I
114,626	---	NA	11/23/73	11/23/73	10	VI

Construction, Minor Projects

(---	(5,000)	Yes	12/20/72	7/01/73	5	I
66,685	---	NA	11/23/73	11/23/73	10	VI

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Available beyond FY 1974? Effective date of reserve

Amount apportioned Amount in reserve

Other Independent Agencies
District of Columbia: Loans for Capital Outlay, Metropolitan Area Sanitary Sewage Work Funds

(---)	(300)	Yes	8/07/72	7/01/73	I
3,900	5,300	Yes	9/05/73	9/05/73	I

Loans for Capital Outlay, Sanitary Sewage

(---)	(4,285)	Yes	8/07/72	7/01/73	I
29,000	24,035	Yes	9/05/73	9/05/73	I

Loans for Capital Outlay, Water Fund

(---)	(2,360)	Yes	8/07/72	7/01/73	I
8,000	7,460	Yes	9/05/73	9/05/73	I

Loans for Capital Outlay, Highway Fund

11,900	5,956	Yes	9/05/73	9/05/73	I
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Loans for Capital Outlay, General Fund

(---)	(6,758)	Yes	1/26/73	7/01/73	I
176,500	29,526	Yes	9/05/73	9/05/73	I

Foreign Claims Settlement Commission: Payment of Vietnam and USS Pueblo Prisoner of War Claims

9,125	7,229	Yes	7/12/73	7/12/73	I
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Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

American Revolution Bicentennial Administration: Commemorative Activities Fund

(---) (5,690) 11/28/72 7/01/73 I
 4,556 3,510 2/01/74 2/01/74 I

National Science Foundation: Salaries and Expenses

(56,900) (3,500) 6/08/73 7/01/73 I
 (620,845) (13,900) 11/23/73 11/23/73 I
 634,745 --- 12/06/73 12/06/73 VI

Occupational Safety and Health Review Commission: Salaries and expenses

(4,296) (445) 1/14/74 1/14/74 V 39/
 4,242 445 2/06/74 2/06/74 V 39/

Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund

8,578 4,822 7/01/73 7/01/73 I
 4

Limitation on Salaries and Expenses

20,830 500 1/18/74 1/18/74 I
 1

Small Business Administration: Business Loan and Investment Fund

(173,100) (41,316) 6/29/73 7/01/73 I
 (178,100) (48,294) 8/31/73 8/31/73 I
 348,700 31,094 9/27/73 9/27/73 I
 2,4,6b
 2,4
 2,4

Estimated fiscal, economic, budgetary effect (see code)

Reason for current reserve (see code)

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount appropriated

Water Resources Council: Water Resources Planning

(8,611)	(27)	NO 40/	8/24/73	8/24/73	2	I
8,669	(27) 41/	NA	3/27/74	3/27/74	10	VI

Temporary Study Commissions: Commission on American Shipbuilding, Salaries and Expenses

205	57	NA	12/10/73	12/10/73	2	II 42/
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National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, Salaries and Expenses*

167	165	Yes	2/25/74	2/25/74	4	I
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-
- 1/ Funds have not been apportioned pending review of plan.
 - 2/ Funds reserved pending Presidential decisions.
 - 2a/ This reserve was released on April 25, 1974.
 - 3/ The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L. 93-52 as amended.
 - 4/ Funds in excess of \$10,000,000 are not available in FY 1974 pursuant to P.L. 93-240.
 - 5/ The 1973-74 Rural Environmental Assistance Program funds lapsed on December 31, 1973. The September 30 report incorrectly listed the funds as available beyond FY 1974.
 - 6/ The funds in reserve have been apportioned pursuant to a U.S. District Court order which reinstated the 1973 REAP Program.
 - 7/ The amount apportioned in this account is also apportioned in the Agricultural Stabilization and Conservation Service, Salaries and expenses account.
 - 8/ The program level is above the amount reflected in the FY 1975 Budget.
 - 9/ The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.
 - 10/ This apportionment action was inadvertently excluded from the September 30 report.
 - 11/ The FY 1974 appropriation provides for program operation for the summer of calendar year 1974.
 - 12/ FY 1972 contract authority in the amount of \$24.6 million will lapse on 6/30/74.
 - 13/ Code 6d was inadvertently excluded from the September 30 report.
 - 14/ Anticipated deposits are currently estimated at \$5 million more than anticipated in the budget estimates submitted to the Congress in January 1973.
 - 15/ Funds are being held in reserve to cover operating costs during the exhibition period.

- 16/ This account title was changed from "Research, Development, and Facilities" on 12/31/73.
- 17/ The reserve is to be applied against increased pay costs when transfer authority is approved by Congress.
- 18/ This account was combined with the "Operations, Research, and Facilities" account on 12/31/73.
- 19/ Reason code 1 was incorrectly applied to the entries in the September 30 report.
- 20/ The reserve was made at the request of the Canal Zone Government as a contingency for possible future inspection services.
- 21/ The reserve action will increase the program level to a level greater than that contemplated in the most recently submitted budget document.
- 22/ The apportionment releasing the reserve was incorrectly excluded from the September 30 report.
- 23/ The apportionment of funds in reserve is temporarily deferred until sufficient information is available for implementing the new public land survey program. The new program was funded for the first time in the 1974 supplemental, (P.L. 93-245) enacted January 3, 1974.
- 24/ Each reserve includes \$30 million of contract authority which becomes available at the first of each fiscal year and expires at the end of each fiscal year (16 U.S.C. 460L-10a); all other funds are available beyond 1974.
- 25/ The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.
- 26/ Reason code 5 was incorrectly included in the September 30 report.
- 27/ Reason code 4 was inadvertently excluded from the September 30 report.
- 28/ Reason code 6b was incorrectly included in the September 30 report.
- 29/ No replacement or operation and maintenance work is currently necessary. (See footnote 30.)

- 30/ 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.
- 31/ The reserve, made at the request of the Department of Labor, does not change expected payments for benefits as estimated in the latest budget document. The reserve reflects reimbursements from other agencies in excess of the amounts estimated in the budget document. The release of the reserve would increase availability above expected needs. The reserve is available for benefit payments if required benefit payments exceed current estimates.
- 32/ This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.
- 33/ The September 30 report incorrectly reported the reserve as unavailable beyond FY 1974.
- 34/ \$9,000,000 was transferred by the 1974 Department of Transportation Appropriation Act to the Traffic and Highway Safety account.
- 35/ The authority for loan approval expired on June 27, 1973.
- 36/ The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.
- 37/ The reserve is required because the Congress previously provided permanent, indefinite authority (P.L. 92-500) for the subsidy payment. The funds in reserve will be written off in FY 1974.
- 38/ Contract authority of \$75 million expires at the end of FY 1974; the balance is available beyond FY 1974.
- 39/ This reserve action was taken at the request of the Occupational Safety and Health Review Commission due to hiring delays. The reserve is available as a contingency against an increase in future contested citations.
- 40/ The September 30 report incorrectly reported the reserve as available beyond FY 1974.

- 41/ The funds in reserve were not needed and written off on April 8, 1974.
- 42/ The Commission on American Shipbuilding (authorized under the Merchant Marine Act of 1970, P.L. 91-469) was terminated on December 20, 1973. The funds in reserve that are not needed in FY 1974 will be written off.

[FR Doc.11464 Filed 5-14-74;8:45 am]

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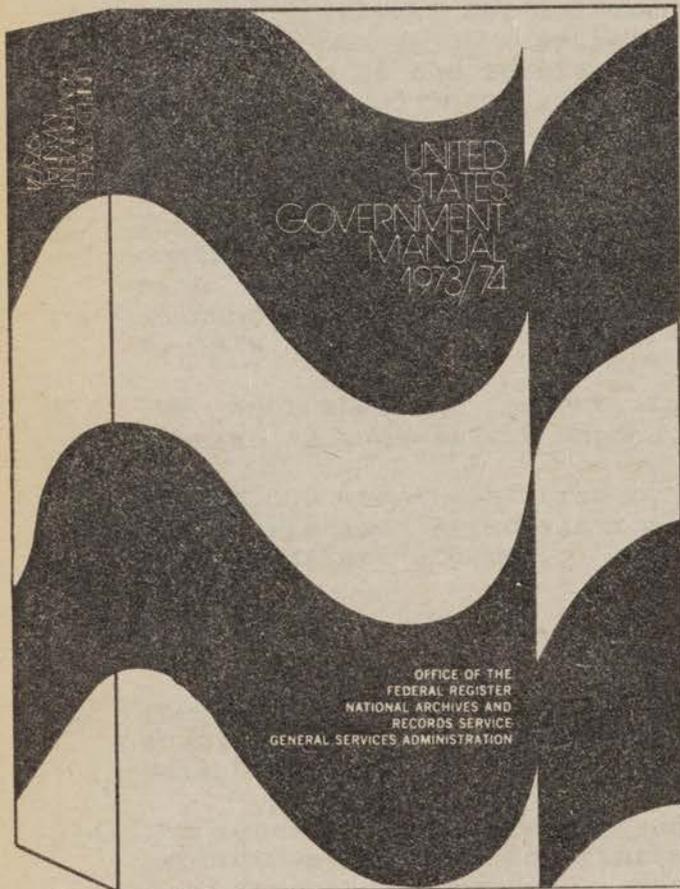
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